SPECIAL REPORT: Government by initiative

California Journal

The Monthly Analysis of State Government and Politics

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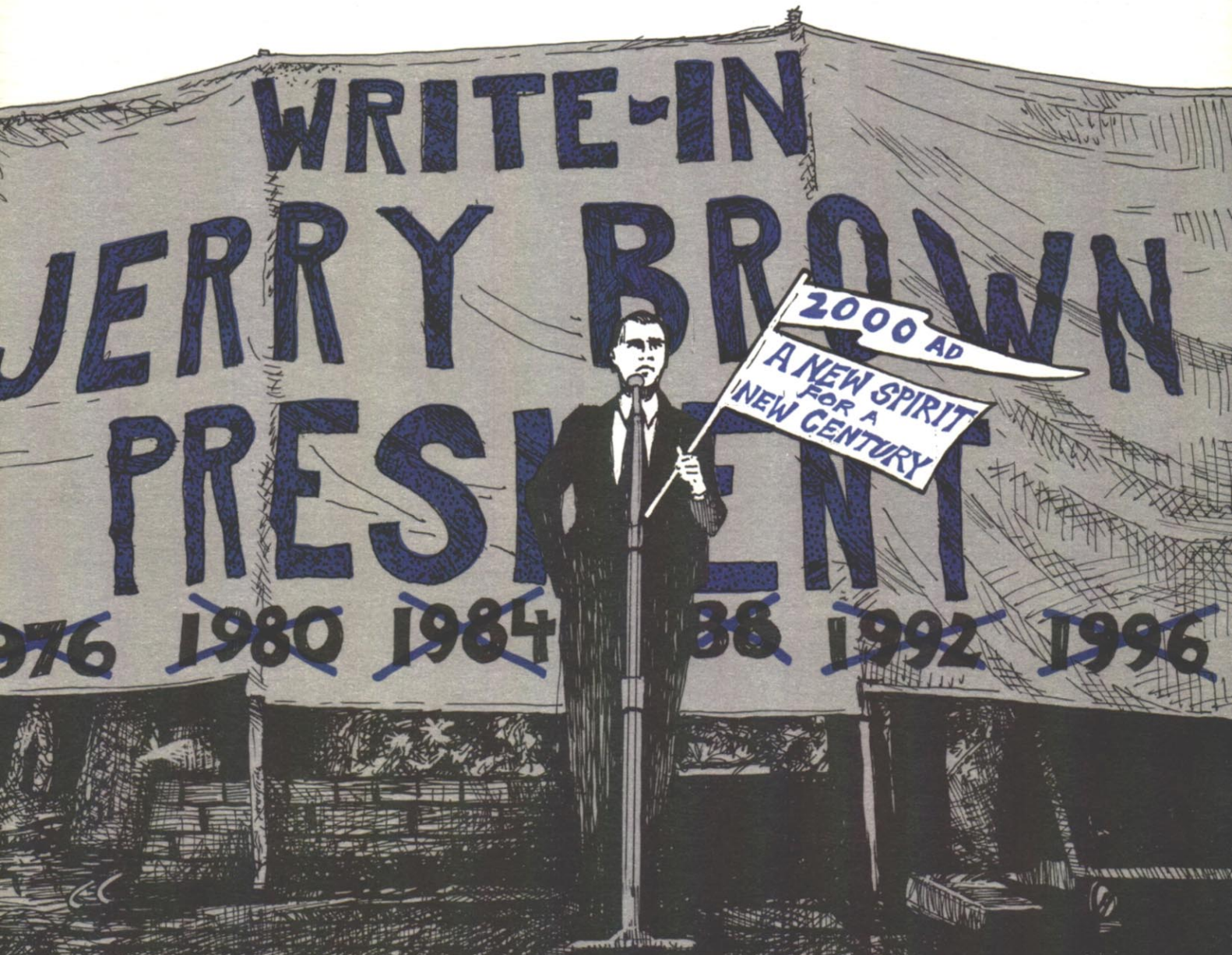
Does Brown have a political future?



The PUC's conservation crusade
Crisis in the prisons

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Personal
PERSPECTIVE

By Ed Salzman

The welfare monster

Ronald Reagan is telling Americans these days that they should elect him president because, among other things, he slew the welfare monster in California. None of the experts give a simple reason why, but the fact is that welfare has ceased to be a controversial issue in California ever since Reagan's reform act was adopted almost 10 years ago.

Without doubt, the programs of the Reagan Administration played a major role in curtailing the rapid growth of AFDC (Aid to Families with Dependent Children) payments in the state. Most of all, the Reagan Administration served notice that the state was interested only in providing assistance to the truly needy and that the so-called greedy would be shoved off the gravy train.

But there are other reasons why the AFDC program is no longer a major problem in California:

- ***Reagan served as governor*** during a time when the welfare rolls were being swelled by the promotion of social programs by the federal government. That stopped when Lyndon Johnson was replaced by Richard Nixon.
- ***The divorce rate*** in California increased substantially during the 1960s. There is a direct connection between divorce and welfare. As John Sullivan of the California Taxpayers Association puts it, "Welfare is the poor woman's alimony." While the divorce rate is still high, abortion-on-demand has reduced the welfare potential significantly.
- ***General economic conditions*** have improved in California since 1971, taking considerable pressure off the welfare rolls. Caseloads have not increased significantly since the boom of the 1960s.
- ***California does an outstanding job*** of administering the welfare program. Federal auditors find that the state's payment error is about 4 percent, three or four times lower than the typical industrial state.
- ***Most of all, attention has been diverted*** from welfare by the skyrocketing cost of providing health care to the poor. The Reagan Administration tried to slay the Medi-Cal monster and failed. The Brown Administration has been grappling with the same problem without much success. Governor Brown vetoed a budget item increasing Medi-Cal costs some $42 million, and the Legislature overrode his action this year.

Medi-Cal apparently will not be brought under control until the state decides that it must end a system under which those on welfare get better (and much more expensive) health benefits than those who work for a living. In most firms, employees get health insurance plans. If they choose to get care outside these plans, they must pay the bills themselves. Most Medi-Cal recipients have freedom of choice, and the taxpayers are at the mercy of the patients and those providing health services. In the past, efforts to force Medi-Cal patients into prepaid health plans have not worked well, primarily because some unscrupulous operators entered the field with a desire to make a fast buck.

Jerry Brown is now looking for a vehicle to ride in his 1984 campaign for the presidency. Just as the welfare wagon worked for Ronald Reagan, perhaps the Medi-Cal machine would be just the ticket for Jerry Brown.

California Journal

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Ed Salzman

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The housing crunch is so severe in some parts of California that employers hungry for engineers have just about given up trying to recruit married men and women. The target is the single person who can live in an apartment.

The key element in the proposed constitutional amendment on the Peripheral Canal is the provision authorizing the sale of general-obligation bonds for the project. It is entirely possible that the project could not be financed with more expensive revenue bonds. The effect of general-obligation bonds: Those in the north could not only lose water but also might have to help southerners pay for the project.

Bumper sticker seen in the Salton Sea area: "Pray for me. I drive the Killer Highway." The reference is to Highway 86 between Coachella and Calexico.

Why all the puzzlement over the support of ultra-conservative state Senator John Schmitz by moderate Senator Ken Maddy in the United States Senate contest? Maddy and Bill Campbell, Republican leader in the Senate, are battling the forces of Bill Richardson and need every supporter they can get, both to keep their leadership posts and to maximize their chances to win statewide office in 1982.

Ronald Reagan, as governor, signed the most liberal abortion bill in the nation until that time. Now, he is an avowed abortion opponent. A big switcheroo? Not so, says Democratic Congressman Tony Beilenson, author of the therapeutic abortion bill. Reagan signed the bill because of commitments he had made to Republican legislators, according to the former state senator, and warned at the time that the bill might lead to abortion on demand, which he opposed.

Remember the last two times Reagan picked running mates? Four years ago, his vice-presidential choice was the then-liberal Richard Schweiker. And back when he was governor, Reagan appointed Ed Reinecke as lieutenant governor and heir apparent.

Incidental information: The governor of California gets to appoint more judges than any other official on earth.

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With a place on the ballot and 100 candidates, the Libertarian Party may affect some state races in November.

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The Reagan model for Brown's political future

By Ed Salzman

At the ripe old age of 42, Jerry Brown is already off and running on his third presidential campaign, 1984 version. He could run for president in 1988, 1992, 1996, 2000 and 2004 — and still be younger than Ronald Reagan is today. Jerry Brown might well become known as the Harold Stassen of the 21st century.

Brown returned home from Campaign One in 1976 with head held high. He entered the race late and was triumphant in most of his primary battles. This year, the governor returned to Sacramento as an embarrassed dropout. He made a poor showing in every state in which his name was on the ballot. His popularity at home had plummeted. His campaign was worse than broke. Undaunted, he pushed ahead with plans to run again in 1984, when at least there will not be an incumbent Democrat in the White House.

From the start, Brown's campaign strategy in 1980 depended upon conditions that never came to pass. Had Ted Kennedy stayed out of the race, Brown could have run as the alternative to Jimmy Carter. Had Carter been demolished in the early primaries, Brown could have run as the alternative to Kennedy. As it happened, Carter was strengthened by international crises, and Kennedy became established as the alternative. Also, a great deal of liberal Democratic support gravitated to maverick Republican John Anderson. Things went so bad for Brown this year that he wasn't even successful in getting his name removed from the California ballot.

The problem for Brown now is establishing himself both as an effective governor of California and as a credible candidate for president in the future. He has three basic alternatives to keep his political career going past 1982 — a run for a third term, a race for the United States Senate seat now held by Republican S. I. Hayakawa, or the private-citizen approach taken by Ronald Reagan for the past six years. The current thinking in the governor's office is that the third alternative will be taken. The reason: Brown apparently is convinced that it will take two or three years of full-time national campaigning to win the presidency in 1984. Brown apparently has decided that late forays into Eastern states will not produce victory.

The governor has already indicated that he will establish an external political organization akin to the Citizens for the Republic, the front for Reagan's presidential campaign since his departure from Sacramento. This organization will tell the country what Brown has done, help drum up support within the state for the administration's programs and perhaps even support candidates other than Brown. The organization will be about as far to the left on issues as Citizens for the Republic is on the right.

It is probably fitting that Brown should follow in Reagan's footsteps. The fiscal policies of the Reagan and Brown administrations have hardly been distinguishable. In fact, there are those Californians, especially in higher education, who claim Brown has been tighter with the public dollar than was Reagan.

Politically, Reagan and Brown have had the same kind of effect on the state. Because of their presidential ambitions, which began virtually on those days when they were elected governor (or before), they have concentrated primarily on their own careers and have presided over the erosion of the fortunes of their political parties. When Reagan took office in 1967, the Repbulicans held all but one statewide partisan office and were virtually even with the Democrats in the Legislature. A Republican, Bob Monagan, was elected Assembly speaker during Reagan's first term. In the year Reagan left, there was a Democratic sweep of all but one statewide office and huge majorities in both houses of the Legislature. The Democratic strength was at a peak when Jerry Brown took office. Now it is in decline, and there are those who feel that the Republicans will regain control of the state in the 1982 elections.

There is an excellent reason why Brown probably won't run for a third term in 1982. He would probably lose, given the state's reluctance to keep leaders in office for a long time and given the precipitous drop in his popularity. The Senate race might be a more attractive option, especially since Hayakawa is also weak in the public-opinion polls. But Gray Davis, Brown's chief of staff and governor-in-actuality during the presidential campaign, says that the governor is not leaning in that direction.

Davis claims Brown has returned to the executive suite with the same kind of enthusiasm he exhibited in his third day in office. This is a bit hard on some cabinet members who are acting as though this was the sixth year, rather than the third day, of the Brown Administration. The immediate

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challenge is to establish a working relationship with the Legislature, which has shown its disdain for the governor by overriding his vetoes in unprecedented numbers. The governor feels that lawmakers will respond to his leadership because the Berman-McCarthy feud has created a void he can fill without threatening lawmakers. The governor may also ride to the assistance of incumbent Democrats before the November election by making fund-raising appearances on their behalf. Davis feels that 1980 will be one of Brown's more successful years in the Legislature. But then again, Brown has always claimed success in the Legislature.

The new look

Brown returned from his unsuccessful Wisconsin primary caper with a new look to his administration. Gone were three individuals who had played a major role in Brown's political life. Media specialist Tom Quinn, who had held the office of Air Resources Board chairman, took over the family business, City News Service in Los Angeles. Richard Maullin, who had been a Brown analyst, researcher and fund raiser for many years, opened a consulting business in the energy field. (Maullin had been chairman of the state Energy Commission.) Former Finance Director Richard Silberman was no longer part of the official family, but he was assisting in the raising of funds to eliminate the presidential campaign debts.

The departure of Quinn and Maullin gave even more power, if indeed that is possible, to Gray Davis. (It might even be said that if Davis were to run for governor in 1982, he would be seeking a second term.) It also made room for new faces in the corner office — San Francisco attorney Wally McGuire, a former top aide to then-Lieutenant Governor Mervyn Dymally — and the new chief of administration in the governor's office; and Fred Branfman, a former top gun in the Hayden-Fonda organization, who will be the prime researcher in the executive suite.

The divorce between Quinn and Brown could be especially significant. Quinn was generally considered to be the mastermind behind Brown's successful campaigns. It was Quinn, perhaps more than anyone else in the administration, who tried to keep Brown within the mainstream of California political thinking. With Quinn gone, will Brown come even further under the influence of his friend and adviser Jacques Barzaghi, the Frenchman who is credited with introducing the governor to the Zen way of life, among other things? According to Davis, Barzaghi has always been a top-level adviser and he didn't emerge from the shadows suddenly during the presidential campaign.

There are those who feel that one reason Brown did so poorly in the 1980 presidential primaries is that he came too much under the influence of Barzaghi, as reflected by the Francis Ford Coppola production on election eve in Wisconsin. Perhaps the best description of Brown's emphasis on celebrity status and his loss of statesmanship status was written by his former campaign press secretary, Charlotte Perry, in the *Los Angeles Times*. Perry said that Brown started giving credence to the notion that he was a flaky Governor Moonbeam. The symbols of the 1980 campaign were Jane Fonda, Linda Ronstadt, the Eagles, the Zen Center in San Francisco. "He drew crowds, to be sure, but in the same way that Steve Martin draws crowds," Perry wrote. "By being outrageous. By being eccentric — a wild and crazy politician. By being a celebrity. For the most part, the crowds came only to look, to be entertained — but not to take him seriously. Soon the governor began playing to them. They came to see Doonesbury; it's Doonesbury they'll see."

Will Brown now realize that Californians want their entertainers in Hollywood, not Sacramento? He has shown that he can be a very effective executive and can forge consensus on difficult problems. But he won't be able to deal with the tax revolt, housing shortages and energy conservation if he places prime emphasis, as he did at times on the campaign trail, on colonization of outer space and the beaming of solar energy to earth from space platforms.

Ronald Reagan successfully convinced Californians — and now Americans — that just because he started professional life in show business doesn't mean that he is incapable of solving serious problems of state. Brown, practically a born politician, has been going in the other direction, proving that the tools of government can be employed to create a show-business celebrity.

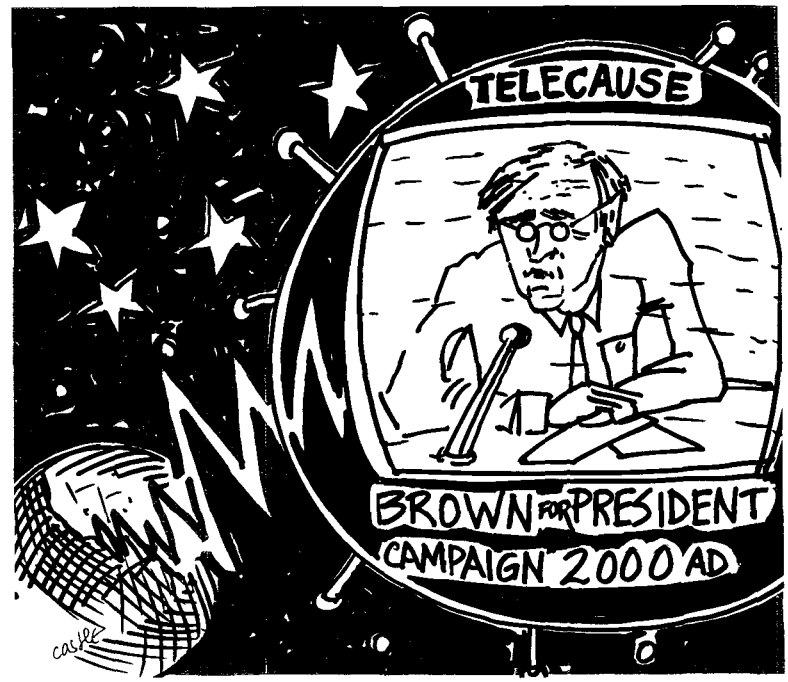
In 1980, Brown also learned the dangers of his oft-stated theory that in politics, as in a canoe, you often have to paddle a bit to the right and a bit to the left in order to get something accomplished. The governor's highly publicized stroke to the right — the call for a constitutional convention if necessary to balance the federal budget — made it difficult for Brown to attract liberals in the Northeast. And he could hardly have expected to become the darling of the conservatives.

Brown's version of the Citizens for the Republic will carry a definite liberal flavor. To some, it might appear in the beginning as a mirror image of the Fonda-Hayden organization. The biggest problem will be raising money to finance its operations. Reagan had plenty of wealthy individuals backing his presidential aspirations. Fonda can provide single-handed support for the Campaign for Economic Democracy with her film income. If Brown was on the shorts for his 1980 campaign, how can he expect to raise substantial amounts of cash for a nebulous 1984 effort?

Issues and dollars

Brown need not engage in flights of fancy to demonstrate major accomplishments during his two years in office to the liberals of America. Here are some of the issues Brown may try to use in rebuilding his image both inside and outside the state:

- ***Proposition 9*** — The governor took the lead through his television address in opposing Howard Jarvis' initiative to cut the income tax in half and force a major cutback in governmental services.
- ***Women and minorities*** — No president or governor



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Frank Mesplé internship fund

The Frank Mesplé Internship Fund was created to help support students working for the *California Journal.* They observe state and local government and prepare articles for publication in the *Journal.*

The fund was founded by the *Journal's* board of directors in memory of Frank Mesplé, who had served as a government professor, legislative advocate, gubernatorial aide and wit-about-town. The purpose of the fund is to carry on Mesplé's deep commitment to the youth of California and to the democratic process.

Recent contributors to the fund, whose support the *Journal* gratefully acknowledges, include:

Louis J. Angelo
Julius Glazer

Additional contributions may be sent to the Frank Mesplé Internship Fund, *California Journal,* 1617 10th Street, California, 95814.

has ever done more than Brown in the appointment of women and minorities to significant positions. Brown did not receive much political benefit from these appointments because most women's and minority organizations supported Ted Kennedy for president. Among some women's organizations, there is a lingering suspicion that Brown appoints women to high state office more for political benefit than out of commitment to the feminist cause.

- ***Energy*** — Brown's Public Utilities Commission is proving that conservation can forestall the construction of new power plants. Brown is clearly allied with those who are opposed to the construction of new nuclear plants. He is in the forefront of those conducting economic war on the major oil companies.
- ***Environment*** — In Brown's six years in office, the business climate improved steadily, even though the state maintained the highest environmental standards in the nation.
- ***Consumerism*** — One of the early steps of the Brown Administration was to place consumer members on various business and professional licensing boards.
- ***Crime*** — Brown maintained his opposition to capital punishment, while presiding over a general stiffening of the state's penal laws.
- ***Labor*** — The governor maintained an alliance with Cesar Chavez, a friendship that probably means more to Brown among liberals outside of California than within the state.

Attacks from the left

Some of the most vitriolic attacks on Brown have come from the left, especially from Shirley Wechsler of the Southern California Americans for Democratic Action. They have largely been in response to Brown's conservative economic policies, his refusal at times to spend money on social programs and his embrace of Howard Jarvis following the passage of Proposition 13 two years ago.

Brown's paddling to the left has not received nearly as much notoriety as his strokes to the right and the symbols, such as the Blue Plymouth, which he used to show that he was a different breed of politician. The job of Brown's external political organization will be to sell his liberal record and to convince Americans that Brown can be trusted to pursue consistent and sensible domestic and foreign policies.

Governor Brown has 30 months left in office to prove that he can work in harmony with the Legislature and to demonstrate that he no longer is a practitioner of the canoe theory of politics. Otherwise, he will probably come no closer to winning the presidency than has Harold Stassen.

Newsmakers

Bargain for a justice

A plea bargain ended the trial of Appellate Justice **Paul Halvonik** and his wife, Deborah, on marijuana charges. The deal: Halvonik resigned as an associate justice of the Court of Appeal, pleaded no contest to a marijuana possession charge and was given a six-month suspended sentence. **Deborah Halvonik** pleaded guilty to possession of more than an ounce of marijuana and was given a suspended sentence. . . . The Ethics Committee of the House of Representatives recommended that Congressman **Charles Wilson** be censured after the panel found him guilty of eight counts of corruption.

After legislators placed the entire state college budget in jeopardy, **Mansour Farhang,** Iranian ambassador to the United Nations, withdrew his nomination for promotion to full professor at Sacramento State University . . . Assemblyman **Richard Robinson** was named chairman of the new Committee on Economic Development and Planning by Speaker Leo McCarthy. Robinson is a key backer of Howard Berman in the speakership struggle . . . **Jan Levine,** wife of Assemblyman Mel Levine, lost her job as an attorney with the Public Utilities Commission after the Personnel Board questioned the procedure under which she was hired.

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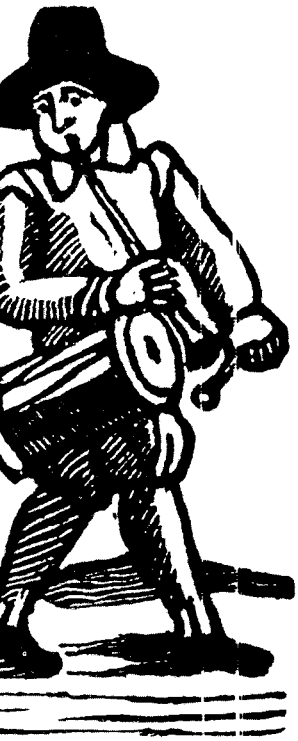
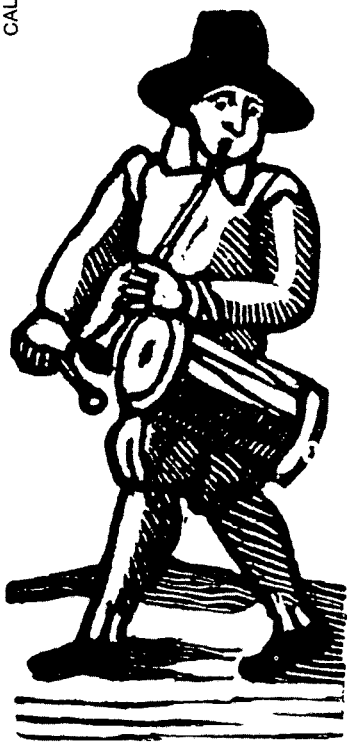


CALIFORNIA'S PUBLIC UTILITIES COMMISSION has determined that the construction of new power plants in the state would be "TOO FINANCIALLY AND ENVIRONMENTALLY EXPENSIVE FOR CALIFORNIANS" Backed by sudden support from utility companies, the PUC is bucking the desires of the federal government and TAKING BOLD STEPS TO ASSURE THAT CALIFORNIA'S ELECTRICITY NEEDS FOR FUTURE YEARS WILL BE PROVIDED THROUGH ENERGY CONSERVATION

CALLIGRAPHY BY BRENDA WALTON



By Mary Ellen Leary

The air these days is filled with the exotic terminology of new energy sources — synfuel, LNG, coal slurry, gasohol, geothermal. But the big energy breakthrough in California, the power source expected to carry the state most successfully to the year 2000, is remarkable for its simplicity. It is conservation: capturing the heat lost in every household, the energy wasted by every industry, the sunshine idling over millions of roofs, the waste products from the state's agriculture. The homes and work places of the average Californian will be significant power generators.

In the past six months the California Public Utilities Commission has enacted a series of orders, issued proposals, invited utility undertakings and started hearings which, taken together, constitute the most sweeping venture into practical energy conservation anywhere in the nation. It runs directly counter to the Carter Administration's energy priorities -- and that is no accident.

Individually, the measures are not sensational; most have have been tried elsewhere. What makes the effort unique is the packaging into a cohesive plan of a great variety of conservation techniques. Also unprecedented is the energy industry's new acceptance of the view that a mixture of conservation, solar and small-power development is the fastest way to ensure energy supplies for the next decade or two.

The term "conservation," always revered by environmentalists, has not usually excited profit-oriented utility executives. But among gas and electric companies in California, conservation is becoming respectable and gaining support. Some utilities are responding with more alacrity than others, but nearly all of them are involved this summer in a flurry of proposals, hearings, calculations on costs and earnings and redrawing long-range plans. Publicly owned utilities, not regulated by the PUC, are alight with the same fire. The Los Angeles Department of Water and Power already has set up its own municipal solar-utility company.

What has caused the sudden interest in wind power and solar panels among industry leaders who recently preached a nuclear message? PUC Commissioner Richard D. Gravelle suggests one answer: "The new direction results not so much from enthusiasm for conservation as from the high cost of money. The economic feasibility of large plant construction is just out the window. They cost too much. Borrowing to build them costs too much. Financial realities make it worthwhile to turn to all these small efforts which won't cost as much in total and can be funded year to year."

Time is another factor favoring mini-ventures. Results can be expected quickly, while planning and building a coal plant requires six to eight years, and a nuclear plant probably 12 years, quite apart from delays occasioned by public objection. California's drive is to meet energy needs this year and this decade. A few coal plants may be sited in

Mary Ellen Leary is a free-lance writer in the San Francisco Bay Area and the author of "Phantom Politics: Campaigning in California."

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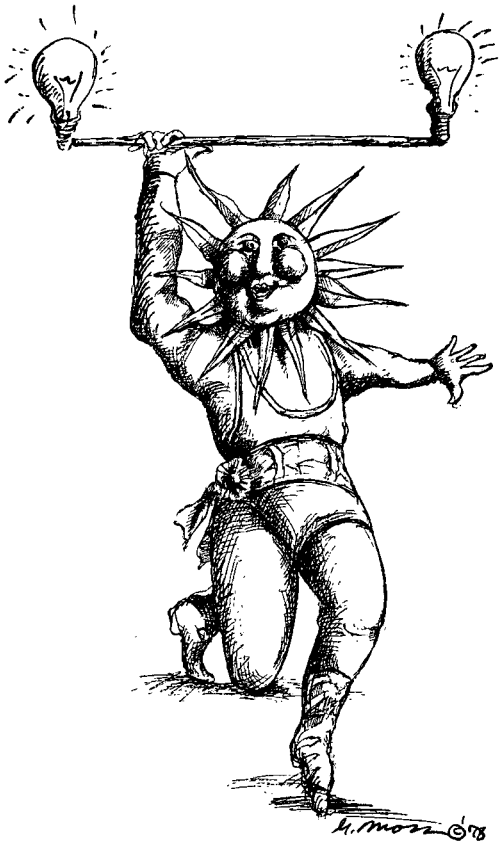

California and coal-fired electrical energy from nearby states is already under contract. In the nuclear field, two additions to San Onofre are under construction now, for San Diego and Los Angeles companies, and Pacific Gas and Electric Company is hoping that federal and state seismic and environmental studies will let it start up the completed Diablo Canyon plant. But beyond these, no one foresees further nuclear development in California.

A recent commission report sums up the situation: "Conservation undertaken on a massive scale is a relatively new science . . . (but) it is well settled in our minds that continued growth of new generating capacity is too financially and environmentally expensive for Californians."

Background debates

But in the background rages an intense argument over the implications of making existing utilities the hub of a conservation plan when their whole history has been an exploitation of growth. Some environmentalists claim the new California effort doesn't go far enough, while other consumer groups argue that methods being used to promote conservation amount to a rank sell-out to the utilities.

Another background conflict results from the sharp difference between California's energy effort and the national approach. While Washington pushes for coal and nuclear expansion, Pacific Gas and Electric Company has announced that it will postpone for a year or two any work on its $4.5 billion Montezuma coal plant in the northern Bay Area. The California approach on energy is diverse and local, relying heavily on renewable energy sources for new output. It purposely encourages a multiplicity of small, unpretentious sources rather than large-scale undertakings. For Governor Jerry Brown, whose appointees form the PUC, the state's success with its energy problems is a key element in his political bank account for future presidential campaigns.

So contrary is this approach to the direction Washington has taken that the state Energy Commission describes their divergent views as a "confrontation" between state and federal aims. If California differs from the national direction, it differs even more from the European, where reliance on nuclear power remains the chief alternative to oil.

The PUC approach has six separate components:

- ***Solar heating as a hot water source.*** The goal is to equip more than 200,000 homes within the next three years, thereby shifting solar use from the exotic to the commonplace. This is not just idle theory. The four major shareholder utilities are under PUC orders to make such installations for 2 percent of all their domestic gas customers and 10 percent of all their domestic electricity customers within three years. While confined only to the easiest solar application, the heating of water, it will be the most massive demonstration of reliance on solar ever attempted, and it is viewed as a test of public acceptance.
- ***Large-scale "weatherization" of homes.*** The idea is to move beyond attic insulation to reduction of a home's total waste of electrical and gas resources. Techniques would include weatherstripping, added insulation, chinking of basement walls and replacement of pilot lights with electronic sparking devices, among other means.
- ***Utility-company financing.*** To achieve major energy savings through conservation, customers need incentives. The PUC is pushing plans under which householders are offered low-interest or no-interest, long-term repayment packages by the utility companies with which to purchase the necessary solar or weatherization equipment. Local utilities would absorb all up-front costs and offer pay-back plans under various arrangements. One plan even assumes no repayment until a householder's property is sold. For the utility, the advantage is that conservation of present energy supply would be funded precisely as new oil or gas supplies are funded: through the rates customers pay. Borrowing millions to advance to homeowners for weatherstripping or solar panels may be expensive, but it is not nearly as expensive as borrowing billions for new power production. Utility companies are viewed by state officials as the only instruments for achieving quick and large-scale conservation. To win compliance, the inducement is the conventional one: Profits will be included.
- ***New energy production through cogeneration.*** This involves developing new electrical capacity through existing industrial or commercial processes by installing small generating turbines wherever intense heat, steam or residual gases are expelled. There is nothing new about the technology. Until electricity became cheap in the 1930s, many industries used their spare heat for power. Several Bay Area oil refineries still do; lumber mills do; Dow Chemical Company has always done it. Much of Europe uses the process commonly and Sweden is famous for extensive use of cogeneration.

Cogeneration, like other aspects of conservation, has been getting much lip service from utilities since oil shortages threatened in 1973. But it took a rare punitive order from the commission last winter to make all companies take it seriously. In a PG&E hearing the commission found the company derelict for not having followed through adequately on earlier orders to develop cogeneration. It noted the company itself, as far back as 1977, had identified sources in its service area where 3,000 megawatts could be developed, but had not pursued them. The PUC docked the utility some of the millions it was petitioning to have increased in its rates because of this failure — a highly unusual regulatory penalty — and ordered action within 45 days. Delay even for six months, it said, "would be totally inconsistent with this commission's aggressive policies to encourage cogeneration vigorously."

To make this approach more attractive, the PUC has changed schedules so that utilities buying the heat from a cement plant, a steel mill, a hospital boiler room or a paper company would pay for it on a par with commensurate oil prices and then mesh the costs into their rates. To further

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ease the process, the PUC made clear it would not regulate the industry partners in such arrangements. The price boost provides substantial incentive. One Southern California Edison Company official explains, "We have been willing, but it takes two to tango."

The PG&E case is now a model that other major utilities have been ordered to follow. Cogeneration's specific realizable capacity is to be written into every utility's long-range resource planning, so that its development can be foreseen just as new plant development has been laid out in the past. PG&E has been told to get 600 cogenerated megawatts in operation by the end of 1980 and to have on line a total of 2,000 megawatts of cogenerated electricity by 1985.

Experts disagree on cogeneration's potential. Attorneys for one consumer group, TURN (Toward Utility Rate Normalization) claim that cogenerating capacity is still being

Truckers versus shippers

When Governor Brown recently vetoed a bill to postpone trucking deregulation, he ended one bitter fight and set the stage for another one. The Public Utility Commission's long struggle to dismantle the industry's rate-fixing structure has created several years of legal and political controversy. Without Brown's veto, the battle would have continued at least for two more years.

Instead, the PUC orders to relax state regulation of charges and to ease entry into the market became effective April 30th. Commissioners insist they are thus eliminating what they consider special privileges within the trucking industry and opening up the market to competition. Powerful voices in the trucking industry predict chaos and cut-throat pricing, and they vow to continue their fight in court. They will seek to override Brown's veto.

The big questions

At stake are multi-million-dollar questions about the trucking industry's existing rate schedule: Do minimum-price regulations, now enforced by the state, encourage or discourage competition? Will deregulation of rates benefit consumers by reducing shipping costs, or will it eliminate small operators who could not compete with big haulers?

The conflict began in late 1974, when the Little Hoover Commission (Commission on California State Government Organization and Economy) recommended that minimum trucking rates be eliminated and common-carrier entrance requirements be modified. Its study of the industry revealed, as later PUC findings have shown, that the whole California schedule of "permissible" trucking rates in the past 45 years has rested on a myth.

That myth was that the PUC regularly would analyze operations and actual costs, thereby determining a minimum charge appropriate for the most efficient operator and then preserving stability in the industry by prohibiting any trucker from hauling for rates below that "most efficient" level. But the PUC has been unable to conduct such studies and hasn't even tried since 1963. The enormous growth of trucking in California, its complexity, the variety of labor relations, the impact of inflation and a lack of sufficient PUC staff made virtually impossible the careful scrutiny that would justify drawing a line at "the most efficient" level.

Instead, rate levels have inched steadily upward, with the PUC repeatedly adding on cost increments that the industry reported to them. Individual variations in cost, operating conditions, traffic flow and productivity were simply lost. Minimum rates became, the PUC says, "going" rates, and those were "excessive." So high were they that many shippers found it better business practice to buy trucks and do their own hauling. "Excessive rates not only mean higher costs to shippers but also added costs to consumers," the PUC said in its order seeking to end the practice for tank truckers. After five years of hearings, following the Little Hoover Commission recommendations, the PUC acknowledged the situation "is a problem of continuing concern to us."

That was the situation in May 1979, when the PUC ordered elimination of fixed rates and open competition, beginning January 1980 for tank truckers. The industry fought back by winning a federal injunction. Then trucker-sponsored AB 1232, authored by Assemblyman Bruce Young, passed the Legislature in April. It would have postponed any further PUC relaxation of rules — scheduled for April 30th — until September 1981. On the heels of passage and with a fear of a veto, eight major firms moved into federal court and got a second injunction against PUC enforcement of its intended rule changes. In his veto message, Governor Brown charged that the lawsuit "demonstrates a lack of good faith and is clear evidence that the goal sought . . . is not compromise (or) delay, but a permanent reduction of government regulation of trucking."

For Governor Brown the deregulation fight posed an awkward dilemma. His own appointees on the PUC were supported by such forces as Consumers' Union and Common Cause. Deregulation already has occurred in liquor marketing, milk pricing and airline competition. But Brown, home from defeat in the presidential lists, did not want still another veto overridden — and Young's bill had passed with formidable majorities in both houses. He was counting on support in the Legislature from lobbyists for major shippers, who have expressed their hope for deregulation through the California Manufacturers' Association and the Canners' League. The trucking industry itself is divided. Highway Carriers' Association, a cluster of small truckers, wants the PUC regulations; so does another representative of independents, the Cartage Association. Vehemently opposed is the California Trucking Association which speaks for the largest haulers. Spokesman David P. Craig explains his group's opposition to the PUC proposals: "If the bike isn't broken, why fix it? Maybe minor changes are in order in trucking regulations, but there is no broad consumer call to abolish a total regulatory structure that has served California well for 40 years. We'd have chaos in trucking if the PUC makes such dramatic change."

Waging a war

Carl K. Oshiro, who has testified for Consumers' Union at both the state and federal level, says, "Existing regulations do little to protect the public. The primary effect is to protect truckers from each other. The fixed rates in California are analogous to fair-trade laws which have been struck down recently. We look for free and open competition and reasonable entry requirements, not the current barriers."

Closely watching the California controversy are members of Congress, where the issue of deregulating interstate trucking is pending. "The truckers have been waging a war," says Alan Miller, Common Cause representative in Sacramento. "In this battle, by getting a delay, they would have won. But the war isn't over."

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underestimated by the PUC. Petroleum refineries alone in California could yield 6,000 megawatts, they say. (The Energy Commission expects that California will need, in the coming decade, about 15,000 to 18,000 megawatts of new power. Cogeneration and geothermal energy are expected to be the big new sources.) This would be roughly equivalent in capacity to six new Rancho Seco plants.

But not all cogeneration sources may prove economically feasible. One promising source is the Kern County oil fields, where vast amounts of steam are injected into the earth to improve the heavy crude's viscosity. Running that steam through a generator on the way down may be possible.

- ***More efficient operation by utilities,*** especially in the area of load management. This involves spreading demand through the day and through a season by intermittently lowering voltage or interrupting service in peak periods. Commissioners are pondering a markedly lower rate for homes willing to accept occasional interruptions.
- ***New power development from diverse sources.*** These include small-scale hydro projects, utilizing rivers previously thought too small for profitable energy generation; geothermal fields, not only at The Geysers in Sonoma County but also in the Imperial Valley and in Sierra regions; and wind power, such as Southern California Edison's monster windmill at a pass leading to Palm Springs and other experiments with "wind farms." Biomass also is being taken seriously. This is electrical energy production from gases issuing through decay or burning of garbage, sewage or agricultural wastes such as walnut shells or rice hulls. PG&E is committed to buy power from a plant California Power and Light Company is developing at Madera this year, at which the fuel supply is inch-size pellets of compacted harvest waste called "Woodex."

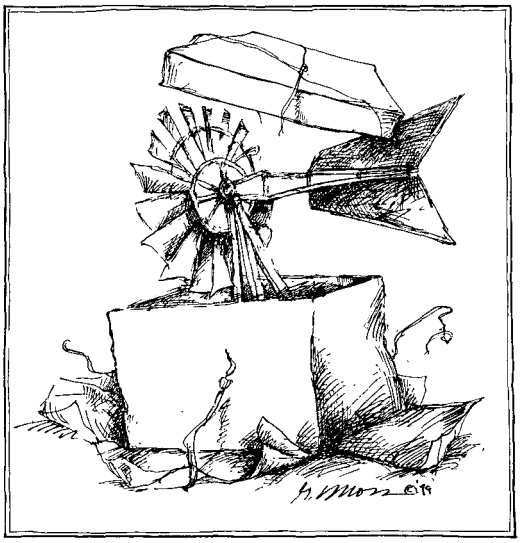
Plenty of questions

The commission's carrot-and-stick methods are beginning to pay off. Alan Beringsmith, PG&E finance specialist, explains the challenge to industry: "We are shifting from traditional kinds of investment and traditional kinds of power to a new concept of capital investment in individual homes, in an attempt to obtain energy by conservation . . . It certainly is a new concept."

Joseph Bodovitz, PUC executive director, agrees. "Utilities used to go out and build big power plants which they owned and managed," he says. "They had generations of experience in this sort of operation. It's a different world now. Understandably some of their people are nervous about how they will come out financially if they rely on gismos in thousands of people's homes or solar panels on thousands of roofs, none of which they own. There are a lot of questions being raised about where utilities ought to fit into a total conservation effort."

There are indeed a lot of questions. The utilities have been "ordered" by the PUC to undertake solar demonstrations and rather less bluntly "invited" to undertake weatherization. In both, the companies have proposed ways to work out their financing role under PUC requisites. Many details remain to be solved in cogeneration and small-source programs, but no serious contention arises in these areas. The hottest dispute involves financing for weatherization and solar programs.

The obvious impediment is the householder's resistance to putting up front money. Tax rebates — even though they amount to 55 percent of a solar installation costing as much as $3,000 — have not lured the public. About 25,000 tax claims on state forms have been processed, most of them for swimming pool heating. Response on quite a different order now is sought. Weatherizing the "average" California home probably will cost around $1,500, and solar water heating around $3,000.



Plunging utility companies into the center of financing home improvements represents a new relationship between those companies, the suppliers of material, the installers and the householder. It has stirred a hornet's nest of controversy over whether this makes monopoly utilities even more monopolistic. The biggest concern centers on whether utilities are about to "take over" the solar industry. Apprehension over whether utilities may gain undue advantage in solar development has led to sections in federal energy legislation prohibiting utility commitments of more than $300 to finance household installations. The PUC has thought waivers could be obtained, or outright repeal, but those objecting to utility involvement will fight.

Two models exist for utility financing. One is the low-interest attic insulation program, started at PUC order in parts of California during the past two years and most energetically applied by PG&E. Southern California Edison financed insulation too but gave preference to large power users. Southern California Gas Company challenged the whole idea in court, questioning PUC authority. The San Diego utility joined in, and they won — courts said the law did not give the commission power to order financing intervention. But that was speedily remedied by passage last summer of a bill spelling out such authority. With legality settled, Southern California Gas is now plunging into its solar and weatherization plans. "California is definitely doing something different," said Michael Neiggermann, vice president for consumer services. "Some consider this the most progressive utility commission in the country. I think they have done a good job in considering the potential for conservation."

Under the insulation plan, householders invite a free "energy auditor" to survey their premises. If worthwhile heat-saving can be achieved, the householder is able to hire the work done or do it himself with all costs advanced by the utility for repayment over five years at 8 percent interest. Through last year, PG&E audited 26,000 units and funded more than $3 million worth of insulation. The company now has 83 trained "energy auditors," a nucleus for its weatherizing program.

This experience prompted PG&E to propose "zero-interest" weatherization and to commit $10 million to the first year's experiment, with plans for future full-scale operation. This "ZIP" — zero interest plan — is ready to go with PUC blessing.

The second model is provided by Pacific Power & Light Company of Oregon. The company does insulation at no interest, with varied repayment possibilities. The idea has been around some time in academic discussion, as part of the attention emerging on conservation. During the Ford Administration William Rosenberg, formerly a Michigan utility regulator, was in the top echelon of the Federal Energy

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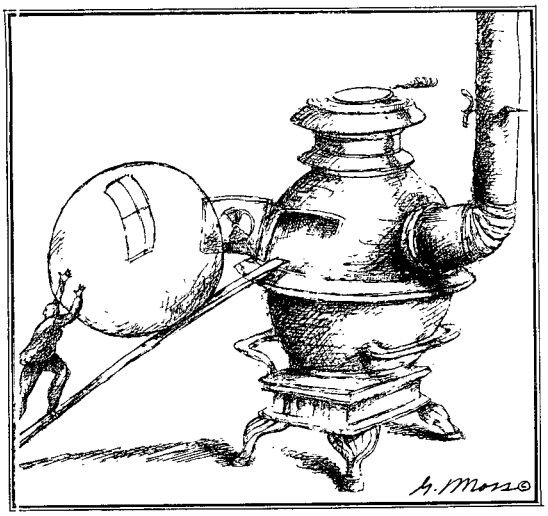

Administration, and he promoted the idea.

One economist who believes that utilities can fund conservation measures through their rate system and save money otherwise poured into new plants is W. R. Z. Willey, who joined the staff of the Berkeley-based Environmental Defense Fund in the mid-'70s. EDF chief attorney Thomas J. Graff, a leading environmentalist, had been combatting utility plant-building as economically disastrous, and Willey has made the same point in repeated rate hearings before the PUC. Some critics contend that the EDF campaign against utility construction is just a device to block nuclear power. Whatever the motive, EDF's Willey and its attorney David Roe insist that conservation costs are no different, as an energy source, than oil or gas costs and thus should be worked into the ratepayers' schedule with profit margins included. This, they say, is the only system that will get wholesale conservation going.

To the customer, the financing plans are touted as "low interest" or "free." Of course they are not free; costs would be covered partly in the profit-making rate structure and partly as a business expense. Ultimately, all conservation investments would be repaid through electric and gas bills. The rationale: Energy is now so precious that preventing its waste is an appropriate cost to be shared by all energy users. The alternative is nuclear or coal production which conservationists insist would boost rates much higher.

Commissioner Gravelle says, "Three years ago I was opposed to the idea of letting utilities get involved with financing solar installations. I wanted that young, evolving industry to make it on its own. I was fearful solar would be dominated by the utilities. But solar didn't move ahead. People didn't have enough confidence in it. Today I am at the point where I think we have to look seriously at the utility's involvement."

Tom Hayden and his Californians for Economic Democracy have long championed the view that solar power should be reserved to small entrepreneurs or self-service, to free the public from utility dominance. Even more vocal opposition comes from Cal-SEIA, (California Solar Energy Industries Association) for whom Peter Barnes, president of Solar Center in San Francisco, is spokesman.

"The PUC is handing utilities a monopoly over solar manufacturing and it is intruding — without experience or know-how — into banking," Barnes says. "Once this 'free' program starts, no other solar sales will take place. It will corner the market."

Barnes wishes that solar use had grown faster, and he cheers the focus on solar as a sensible conservation element. But he thinks the solar industry has just now gained the confidence of California's financial world, and he fears it will lose out once the industry begins solar promotion. As an alternative, Cal-SEIA prefers utilities to give householders a bonus, a "thank-you reward," after they have gone out and gotten their own solar installations. In wanting utilities pushed out of stage center, Barnes stresses his fear that they will not keep solar going and that they lack expertise in the solar field. "They don't have trained inspectors, they don't have finance experts," he says. "You look at it carefully and you see many problems. If utilities get into this, you'll have a slow-down, not a speed-up in the solar industry." Interestingly, the solar advocates do not quibble at utility financing of weatherization: "The ratepayer will have to foot the bill, whatever the source, and conservation is surely his best bargain," says Barnes.

Commissioner Leonard Grimes, who oversees solar concerns within PUC, has a vastly different view. He sees an explosion of corporate interest in solar energy across the country. "We know the big oil companies are already moving into the solar business, along with small manufacturers. They are attracted by what California is doing and getting hold of solar designs. It's a free market. They can't be denied entry. The only medium for regulation is the PUC and we have been meticulous about keeping financing separate from marketing."

Broader objections to the utility involvement come from consumer groups. The most vigorous is TURN of San Francisco, headed by Sylvia Siegel, a critic of utility practices which, she says, favor stockholders at the expense of ratepayers. She finds it illogical to put investor-owned, profit-motivated corporations into a situation where they must advocate less, not more, use of their product. She is skeptical that free-enterprise utilities will put the national need for energy above their own profits. Behind the plan for rate-based conservation, she suspects, is the aim of shifting utility costs from businesses to households. Like Barnes, she scoffs at the PUC for getting out of their depth, ". . . hoodwinked by the utilities, just buying a political line."

Conservation should rest on community effort, Siegel believes. "People have to get involved to make it work, or we will be swallowed up by multi-million-dollar costs." Her opponents say that time is too short for a surge of popular interest in solar systems to pay off.

Efficient intervention

Quite different is the stance of most environmental groups. They are so intent on achieving conservation that they applaud utility intervention for its efficiency. Mike Eaton, Sierra Club energy specialist in Sacramento, cheers present PUC members for "bringing that agency into the 20th century." He calls the plan for conservation-made-practical through utility-rate schedules "the most exciting thing around." Laura King, energy planner with the Natural Resources Defense Council, says it supports the conservation moves taken so far, especially removing the householder's front-end cost, adding, "They don't go far enough. The state isn't anywhere near setting up all the mechanisms needed for effective conservation."

Such views are well aired at PUC hearings. But President John Bryson believes the state's direction and mandate are clear: "We have the authority to direct utilities into large-scale conservation, and we intend to carry it out. We are systematically re-directing the focus of energy regulation toward conservation. This effort is a very fundamental change, reflecting the economies of the energy supply. Through a series of decisions, this commission is determined to achieve energy efficiency — to get more work out of each barrel of oil."

PG&E's Beringsmith agrees. "California has an environment that encourages experimentation," he says. "I spend a lot of time in Washington and when you go back there you are made aware California is light years ahead of others in its approach to the energy future."

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Governor Brown created a commotion when he replaced Jerry Enomoto with Ruth Rushen as director of the state Department of Corrections. This conflict of personalities obscured a much larger issue: When will California come to grips with a system that is an expensive failure?

CALIFORNIA'S PRISON CRISIS

By Mike Otten

A major enterprise exists in California where employees are paid an average of six cents an hour, or $9.39 a month. The employees receive room and board, of course. The room in many cases is about the size of a king-sized bed, about 48 square feet. Some of the rooms hold two men.

Welcome to California prisons. Once again they are becoming increasingly crowded. Prisoners are becoming increasingly violent. And the majority of inmates have little or nothing to do with their time, other than wait for the end of their sentences.

The person in charge of all this is not happy about the situation. He's Howard Way. Shortly after he shifted this year from chairman of the state Board of Prison Terms to director of the new California Youth and Adult Correctional Agency, Way was able to convince Governor Edmund G. Brown Jr. to replace Jiro (Jerry) Enomoto, 54, director of the Department of Corrections for the last five years. Enomoto was bitter and put up a losing court fight to keep the $46,896 post that capped his 28-year career with the department. Way's choice and Governor Brown's appointee is Ruth L. Rushen, 55, of Harbor City, a five-year veteran of the state Parole Board, who immediately replaced some of Enotomo's top deputies.

Race factor

Had both Enomoto and Rushen been white males, the personnel change probably would have attracted little attention. But Enomoto was the highest-ranking Japanese-American in appointive state government, and the method of his replacement was vigorously protested by members of his community. Rushen's lack of administrative experience and her role in a controversial parole decision several years ago also prompted a flurry of publicity.

In addition, two black organizations viewed Way's commitment to affirmative action skeptically and promised to fight his confirmation in the Senate. Members of Black Advocates in State Service (BASS) and the California Black Correction Coalition (CBCC) suggested publicly that Way's choice of Rushen — the first black woman to head a state prison system — might have been made to neutralize their opposition to his appointment.

But all of the controversies involved in Way's efforts to reorganize have tended to obscure a far more significant issue: the growing crisis in the California prison system. The same conservative tide that is demanding more and longer sentences for felons also discourages legislators from voting for multi-million-dollar investments in new facilities. Once Way is confirmed — as the respected Republican ex-state senator surely will be — he will have to persuade his ex-colleagues in the Legislature to spend massive amounts for more and better prisons.

"I hope I can convince the legislators they will have to bite the bullet," Way says. And it's an expensive bullet: $119 million this year, probably at least $1.3 billion in this decade, even without significantly expanding prison capacity.

Way repeatedly tells the public it needs to realize that prison systems in America are proven failures. "All you have to do is check the record," he says. "Our legislatures nationwide, and certainly in California, are just going to have to stop funding our failures. It is a dead-end, no-win route. We lock these people up in these big bastilles, 1,500 to 2,500 capacity. The public has to realize almost all of these people, 95 to 96 percent of them, are eventually going back to their communities. The public has a direct stake in what we do to that person while we incarcerate him and what kind of a person we send back to the community.

"With the system we are funding now, we are sending back an embittered, alienated person who is probably a more sophisticated criminal when he comes out than he was when he went in."

Even prisons as failures are expensive. It has long been known that it is cheaper to send people to Stanford or Harvard than to the state Department of Corrections or Youth Authority. For the Department of Corrections, one inmate costs $15,000 a year. If the prisoner has a family, as many do, another $5,000 to $7,500 or more in welfare costs must be added. At the Youth Authority, where there are more programs and a lower staff-to-ward ratio, the costs run better than $20,000 a year. Add to that the figure of $70,000 or more for one new prison cell. To add one Youth Authority bed costs about $100,000.

Repeatedly Governor Brown has requested money for new prisons, but the Legislature has eliminated all but some token millions for studies and design work. The question of building more prisons and finding adequate spots to place them is a political hot potato, and opposition comes from both ends of the political spectrum. Because of prisons' sorry history of failing to rehabilitate, many experts and liberals plead for alternatives to incarceration instead of more prisons. Many communities don't want prisons in their backyards, and many conservatives say strong walls at low cost are all that is needed.

Tinkering with the system

Way was co-author, with Senator John Nejedly of Walnut Creek, of the controversial SB 42, the determinate sentencing law that became effective in 1977. For the most part, that law eliminated one-year-to-life sentences and instead at-

Mike Otten is a staff writer for the Sacramento Union.

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tempted to set specific lengths of terms to fit various crimes. But the Legislature didn't stop there. The lawmakers have continued to tinker with the criminal justice system, increasing terms for violent and repeat offenses and imposing mandatory prison terms for certain offenses. The judiciary responded by sending more felons to prison. But with determinate sentencing, there is no longer an escape valve that would allow release of the least troublesome inmates when conditions became crowded.

If the public wants to continue incarcerating offenders, then it has to get ready to spend mind-boggling sums of money, Way insists. The price tag for the 1980s alone is $1.3 billion, and 'what it would be by 1990 is anybody's guess. "We are in America today locking up more people per 100,000 population than any other country in the world, with the exception of Russia and certain sections of Africa. I said our prisons are proven failures; yet we have the highest crime rate."

Way says he understands the lock-em-up feeling: "My home was burglarized a year ago. I was mad. I wanted to get whoever that was, get him and lock him up. This is the feeling."

Staggering costs

But the costs are staggering. California now spends more than a half-billion dollars a year to operate its adult and youth institutions and parole system. The entire criminal justice system, including the courts, costs more than $3 billion per year. About 13,000 employees are on the state payroll to look after the state's 50,000 felons locked up or on parole. This doesn't include the tens of thousands of other criminals locked up or on probation at the local level. Currently there are about 22,800 inmates, or about one out of 1,000 Californians, in adult institutions. Another 15,500 are on parole.

Current projections are for 26,980 inmates in 1985. If all of the state's $1.3 billion building and reconstruction plan was approved and constructed on time, prison capacity would be 27,684 in 1991. But by then the prison population is projected to be 28,400 — so the prisons would still be overcrowded.

Even if the Legislature votes to build new facilities, it will have to decide also where they will be sited. Experts in corrections used to advocate rural locations, but now they say that prisons should be located near heavily populated areas, the source of most inmates. "I don't think there is any disagreement that one of the chief elements in successful correctional and rehabilitation work is to maintain family contact, says Way. "If you are from the Los Angeles area serving time in Susanville (Lassen County), it is difficult to maintain family contact. It is chiefly a geographical problem. Close to 56 percent of our inmates come from south of the Tehachapis, but only about 25 percent of our institution capacity is located there."

Thus, in the next fiscal year the Brown Administration wants to spend $32.7 million for a 500-inmate, maximum-security prison at Tehachapi. Another $46.4 million is sought for a 600-inmate medium-security industrial training unit in San Diego County. San Quentin would receive $23.8 million for a 500-inmate reception center and another $3.9 million for planning of a new medical-psychiatric unit. To help ease the crowding, $9 million is requested for temporary prefabricated housing.

Beyond the challenge of getting dollars for facilities, Way and his new corrections director Rushen will have to tackle even harder questions: Can rehabilitation be made to work? Will the public be willing to pay for experiments in prison employment and community-based programs? Or is the current prison-as-punishment climate too pervasive to permit any efforts at changing a system that is an acknowledged costly failure?

ART DIRECTOR VACANCY

The position of art director at the **California Journal** will soon be vacant. Jan Castle, who has held the job for the past five years, will be departing this summer because of expanding family responsibilities. Applications are being accepted from experienced artists with the ability to design, illustrate and paste up the magazine and California Journal Press publications. Resumes should be sent to **California Journal,** 1617 10th St., Sacramento 95814.

Way concedes that the state hasn't had much success at rehabilitation, but he adds, "The public should realize we have not given up on our efforts to correct and rehabilitate. We still have in both the CDC and the Youth Authority many, many vocational programs and education, and I don't think we should give it up. There are more success stores than you think. You just don't hear about them. It's our failures that get the attention."

Rushen is looking at the possibility of raising the maximum prison wage (now 35 cents an hour) up to the minimum wage and having prisoners help pay for their board and keep. "Teaching them an employable skill is one of our goals," says Way. "It is essential we have the cooperation of organized labor and the private sector. This has always been difficult in the past. We want to update and modernize our vocational industries programs and bring them into the 1980s."

Way considers the Youth Authority a more efficient operation than the adult department, and he doesn't see the need for much change there, although crowding is beginning to become a problem. He has begun touring all of the Youth Authority's facilities. "One look is worth 10,000 words," says Way, who mixes and dines with the inmates. "We are going to have to be willing to do some experiments. What I would like to do is try more community-based facilities. We certainly aren't going to build any more bastilles like Folsom and San Quentin."

But the growth in prison population will prevent those "bastilles," the two oldest prisons in the state, from being razed. Way wants them remodeled and scaled down, with no more than 500 inmates each.

Another problem Way and Rushen will have to confront is the increasing numbers of minorities. Thirty-five years ago, whites made up two-thirds of the male felons in prison. One-eighth were Hispanic; less than one-sixth were black. Today the proportion of minorities in state prisons is 60 percent. While blacks make up about 10 percent of the state's population, they constitute 35 percent of the Youth Authority caseload. Whites make up about 33 percent of the YA population and Spanish-surnamed 31 percent. In adult prisons, blacks total 34.4 percent of the male population and 38 percent of the female population. Hispanics make up nearly 23 percent of the male population and 18.1 percent of the female population. The result: increased potential for racial violence, particularly since overcrowded conditions will be the status quo during the coming decade.

Clearly Howard Way and his reorganized agency will be racing against time in their effort to reform the prison system. First he will have to convince the public and the Legislature that the effort must be made.

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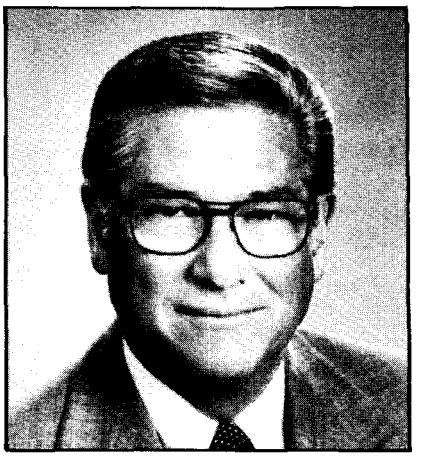
STRICTLY OPINION

With this column, the ***Journal*** *provides a forum for those wishing to express opinions on California political issues. Inquiries about future columns are encouraged.*



California's energy giveaway

By Bob Monagan

No one likes to pay more for the natural gas and electricity they use, but no one should pay less than it costs to supply that energy. That is the major issue in the current debate over legislation sponsored by the California Manufacturers Association.

This legislation (SB 279 by Senator Alfred Alquist) would impose fair play into the assigning to utility users of the rapidly increasing costs of providing energy. Accelerating gas and electric costs are something we cannot avoid, at least in the near future, but we can change a bad public policy about how they are paid for.

The problem? Since 1974, the California Public Utilities Commission (PUC) has passed the bulk of the escalating increases in natural gas and electric costs to non-residential users. As an example, one utility company's gas rates have increased 141 percent for a typical residential gas user but 460 percent for a typical large industrial user.

In 1975, the Legislature ordered the PUC to define "lifeline" amounts of gas and electricity necessary for essential use, and to freeze the rates for these amounts until all rates had gone up 25 percent. They have, of course, gone up beyond this figure, with no significant changes in lifeline rates. The lifeline amounts constitute about half of all electricity and 70 percent of natural gas sold to residential users. Not just "poverty" people, but every residential user served by a PUC-regulated utility receives the lifeline allowance.

The PUC started this policy before the legislative mandate, and the tilt against non-residential users has gone farther than what legislators conceived as "lifeline." The present situation is that residential users as a whole are receiving service for at least a billion dollars a year less than its full cost. Other users must pay for this subsidization. This other group includes commerce, industry, schools, hospitals and government at all levels. To the extent that public agencies pay larger utility bills than necessary, their ability to provide services is reduced.

The most serious effect is upon energy-intensive industry — producers of paper, chemicals, metals, sugar and food processing. For these industries, energy is a major part of the cost of doing business. Their competitors outside of the state are paying substantially less for energy because similar policies are not in effect in other states. The short-term effect is lost sales, profits and jobs.

The long-term effect of this current utility pricing will be devastating to California's economy. For California utilities, the cost of their basic energy purchases (fuel for the electric utilities and gas for the gas utilities) has gone up more than 500 percent in the past five years. If there is a similar rise in the next five years, it is imperative that these increased costs be passed fairly to all users. If not, there is just no way that any substantial energy-intensive industry or business will be able to stay alive economically in California. There will be more plant closures, fewer new plants or businesses created, and fewer jobs for our citizens.

The current pricing policy is anti-conservation in effect; it gives a completely false price signal to the residential user. His bill for gas and electricity is less than its real cost. This effect is not overcome even though non-lifeline residential usage is higher in cost. Residential electric use-per-customer has reached new record heights for each successive year since 1974. Present policy encourages increased residential usage, at the expense of solar and other conservation investments.

The rate changes proposed in SB 279 directly address this problem. They simply require that lifeline service not be at a loss to the utility. Other customers would still pay the utility's profit and income taxes for service to lifeline usage, but there would be no actual loss to be made up by others. The PUC would have three years to phase in the program in order to minimize the immediate impact.

If such rates were in effect now, lifeline electric charges would be about 13 percent higher and gas charges up to 49 percent higher. If the PUC passed these increased revenues evenly to other users, large electric users might find their costs reduced about 4 percent and large gas users between 10 and 25 percent. More important, future increases in the cost of gas and electricity would be fairly passed to all users.

The proposed changes are opposed by a few activist consumer groups on the grounds that many consumers cannot pay further increases in the cost of their gas and electricity. The facts are that for those who are at or below the poverty level of income, SB 279 would cause a reduction in their electric rates. In addition, such persons would get a double subsidy. Many low-income persons will receive about $120 per year in further assistance from the federal energy-assistance program. It does not seem prudent to make our utility distribution system an absolute welfare program. There is some opposition to the bill from people who would normally support it because they believe that the SB 279 poverty level provision already goes too far in this direction.

The CMA believes the rate changes would provide substantial short-term benefits to California and establish policy which would prevent serious future economic problems. At the same time, they would ensure that lifeline users still receive a very substantial price benefit.

Bob Monagan is the president of the California Manufacturers Association and former Assembly speaker.

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The battle of Red Dog, Hayfork and You Bet

By Hal Rubin

Every April the Sons of Italy, Roseville Lodge No. 1413, hold their annual dinner and dance at the Roseville Fairgrounds. This year about 500 genuine and honorary Placer County Italians ate heartily of rigatoni and baked chicken and washed it all down with a pickup truckload of red wine. It was a very ethnic evening, and as usual the rigatoni sauce was heavily laced with politics.

Whenever 500 warm bodies of any persuasion get together in the sparsely populated cow counties, a covey of politically minded officeholders and office-seekers also appears. A mountain county old-timer at the Roseville event observed, "If Bizz or Gene hadn't shown up, I'd send a get-well card in the morning."

He was talking about the 1st District's incumbent Democratic congressman, Harold T. (Bizz) Johnson; the challenger, the Republican state assemblyman, Eugene A. (Gene) Chappie; and their wives Albra and Paula, who came early and stayed late.

The modus operandi of two old pros characterizes them better than an evaluation of their political philosophies. In his younger days, Johnson is said to have made the rounds of the cow counties without missing a bar where a few votes might be lurking. Among two-fisted drinkers, his ability to toss them down neat was respected.

At 72, radiating a good, grey congressional eminence, Johnson has put bar-hopping behind. He moves among the Sons of Italy in Johnson Hall at the Roseville Fairgrounds with dignity. They come to him in deference; he doesn't go to them. When he accepts an offered hand his gesture is almost a benediction, and there's a bit of Marlon Brando's Godfather in the performance. Johnson is almost considered a paisano because he can produce a few genuine Italian relatives and his wife is of Portuguese descent. Among the plum and grape growers in the mountain counties, that's just as good as Italian.

Coming home for the 1980 campaign, Johnson is confident. Roseville in Placer County is Johnson Country. He went to high school in Roseville, worked in the railroad yards there for the Pacific Fruit Express for nearly 30 years, served on the school board and the city council, and was mayor before going to the state Senate in 1948 for 10 years. In 1959 he took over Clair Engle's congressional seat. Voters like those in Johnson Hall have been sending him back to Washington regularly ever since.

Thirty minutes after the Johnsons arrive, the Chappies appear, wearing matching beige outfits. The assemblyman and his wife do a quick study of the crowd before starting their polished adagio around the hall. Gene is the boisterous back-slapper and teller of ethnic jokes; Paula is the charmer. Tonight, however, Chappie appears subdued, perhaps by the presence of his rival.

But the challenger is also in his element at a Sons of Italy function. Eugene A. Chappie was born Eugenio Alberto Chiappa, of immigrant parents in Sacramento. He explains that a mixup in elementary school caused the name change. Paula is also of Italian descent. Chappie, who is 60, served as El Dorado County supervisor for 14 years before going to the state Legislature in 1964 to represent what is now the 3rd Assembly District, which covers many of the same cow counties as those in Johnson's congressional district.

Chappie's home was in Cool, across the river from Auburn, before he sold his 640 acres to the Auburn Lake Trails developers, and before his 6th Assembly District was reapportioned, which forced his move to Roseville. Essentially the same voters who put Johnson in Washington have sent Chappie to Sacramento.

As he greets the voters in the Roseville Fairgrounds hall, Chappie works toward the front. When he reaches the head table he plants a kiss on Mrs. Johnson's cheek. He gets only a cool nod of recognition from the congressman before joining his wife at the opposite end of the table.

Vast and varied

The 1st Congressional District that they are competing to represent is the largest in the state. It takes in 20 percent of the state's land area, including Placer, Nevada, Yuba, Sierra, Butte, Glenn, Tehama, Plumas, Lassen, Shasta, Trinity, Siskiyou and Modoc counties, plus a piece of Sacramento County.

The vast district reaches from the tip of Sacramento County on the valley floor to the Nevada state line on the

Hal Rubin is a journalism professor at Sacramento State University and a frequent contributor to the Journal.

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east, to the coast range on the west and to the Oregon border on the north. Included among the 13 cow counties are an ethnically and politically diverse and rapidly growing constituency: Sikhs from India; Japanese, Italian, and Portuguese fruit growers and ranchers; hippie pot growers; Mexican railroad workers; transplanted Iowans and Nebraskans; a yeasty mix of third-generation Okies and Arkies and first-generation Zen commune dwellers. Yet issues basic to the region still center around public works and fish-and-game matters.

Thinly scattered through the district are about 600,000 people, more than half of whom live in unincorporated areas. Only three counties in the district have populations exceeding 100,000 (Butte, Shasta and Placer), and the three largest cities are Redding (40,000), Chico (25,000) and Roseville (22,000). None of the other cities in the district exceeds 10,000 population.

Voter registration is about 58 percent Democratic and 36 percent Republican, but the figures are deceiving. Rural Californians are not party-liners. The Democrats who came to California from the South and Midwest brought along conservative traditions. Because conservatives are not apt to unseat an incumbent with Bizz' seniority, the 1st District was surprised by Chappie's decision to seek the seat.

Chappie explains, "It's time for me to move up or out. I've been in the Assembly long enough. Times are changing and I want to be part of that change." Almost apologetically, he admits that he had expected a clear field: "I anticipated that Bizz would probably retire this year."

Evidently the National Republican Party encouraged his move. According to Chappie, the party has made the 1st District its number two target in the 11 western states. The party has allocated about $250,000 to defeat Johnson. Some mountain county residents believe that if Chappie fails in November, Johnson's retirement is virtually certain in 1982. Then Chappie will be certain to get the seat, they contend.

Johnson has been successful in part because he is perceived as a conservative. Chappie's strategy is to convince the electorate otherwise. To do this he is raising what he terms gut issues: "Bizz has maintained the facade of being a moderate, but his voting record just puts a lie to it. Hell, he's not middle-of-the-road. He's to the left insofar as his fiscal vote. He voted for $32 billion in additional deficit spending."

The assemblyman further charges that Johnson has lost touch with his district. "Candidly, Bizz doesn't know how to campaign," Chappie says. "I don't want to get into that age thing," he says, getting into the age thing. "Forget it. Bizz and I have been close friends. I'm not going to sling mud, but I'm going to hold him accountable for the mess we're in — 22 years of it. He's one of the guys who permitted our president to gut national defense."

Chappie criticizes Johnson for supporting the foreign policy of the Carter Administration: "I don't want to see any more expansion by the Soviets in that area (the Middle East). And if necessary, I'd stand up and say, 'Hey, we draw the line at Pakistan.' If push comes to shove, then we shove. If it's necessary, blockade the damn Gulf."

Chappie is counting on the district becoming even more conservative, despite the Democratic majority. He contends that Roseville, which he calls an extremely liberal and labor-oriented city because of its huge railroad yard, is turning conservative. But Roseville has always been considered a political anomaly in the 1st District. Much more typical are towns like Hayfork, Red Dog and You Bet. Chappie does not expect the rural areas to change their political orientation. He says the recent influx into the foothills and mountain counties is made up of people who bailed out of urbanized areas to get away from crime in the streets and drugs. "They are of a conservative bent and they are the ones we can appeal to," Chappie claims.

A hard campaign

In response to Chappie's aggressive campaign, Johnson says testily, "I don't care about his comments. He can make any charges he wants." Even if the incumbent doesn't appear to be in serious trouble, his displeasure at having to wage a hard campaign is obvious. Recognizing that Chappie may have a war chest of $250,000, Johnson says, "That's more than I've spent in all the races I've run heretofore." (By May Chappie reported $115,000 in contributions since the start of 1979; Johnson reported $76,000.

Accompanying the stories of Johnson's retirement after the last election were rumors that he was in poor health and would be unable to handle another strenuous campaign. "I'm in good shape," he reports, and indeed he looks fit and ruddy.

His Washington office subscribes to 50 papers in his district, 14 of them dailies. "We keep up with what's going on. I see at least 50 to 100 people every week in Washington from the district." The cow counties are filled with monuments to his reign as chairman of the U.S. House Committee on Public Works and Transportation: federal buildings, post offices, dams, bridges, water projects and highways. All of these federally funded programs have meant construction projects and jobs to his constituents, and they have been suitably grateful.

When Congress is not in session Johnson does not neglect his political fences. At home he never misses an event sponsored by groups like the Mexican-American Political Association, the Japanese-American Citizens League, the Holy Ghost Association, or the Sons of Italy. Because he feels secure about labor union and liberal support in places like Roseville and Chico, the Chambers of Commerce get special attention. Even if they don't love his party, they appreciate his seniority on congressional committees that makes all the district's federal projects possible.

Although both Johnson and Chappie strive to be perceived as moderates, interpretations of their voting records by various special-interest groups indicate there is a difference. For example, Johnson has gotten the following evaluations: from a conservative group, the Americans for Constitutional Action, 11; from the AFL-CIO's Committee on Political Organization, 95; from a liberal farm group, the National Farmers Union, 70. Some Chappie evaluations are: Friends Committee on Legislation, 0; California Labor Federation, 18; and the California Manufacturers Association, 92.

Around the cow counties, they aren't making book on the outcome of the 1st District race, but it is generally agreed that Assemblyman Chappie is the better campaigner. If Bizz wasn't thinking of retirement before, he may be considering it after the rigorous campaign season of 1980.

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Computer Democracy

An analysis of California's new love affair with the initiative process

By MAUREEN S. FITZGERALD

Representative government is under siege in California.

No longer are basic decisions on taxing and spending being made by the publicly elected representatives in the Capitol in Sacramento, in county administration buildings and in city halls throughout the state. Instead, the size and shape of government are often being determined by the people themselves through the initiative process.

The initiative epidemic launched by the success of Howard Jarvis and Paul Gann with Proposition 13 two years ago shows no sign of abatement. Because the sponsorship of initiatives can be economically and politically profitable, Californians can expect to see a proliferation rather than a shrinkage in what some have come to call "the initiative business" during the 1980s.

Californians are now circulating far more petitions than ever before in an attempt to qualify initiative propositions for the ballot. Many are proposed by politically inexperienced individuals who hope that they, like Howard Jarvis and Paul Gann, can become overnight folk heroes by having their names connected with a popular ballot measure. However, only a small percentage of proposed initiatives receive sufficient support to qualify for the ballot. Usually these are the ones managed by professional firms supported by funds from economic special interests or with the skill to raise funds through the use of computerized mailings.

This is hardly what Governor Hiram Johnson had in mind when he brought "direct democracy" to California in 1911. The initiative, referendum and recall were designed by Johnson's Progressives as tools that could be employed by the citizenry at large to break the hold of the Southern Pacific Railroad on the government of California. What would Johnson think about the use of millions of dollars by the supporters and opponents of ballot measures to pay for computer letters and television spots? Seven decades ago computers and television weren't even invented. Would Johnson think that modern methods of communication enhance or subvert the democratic process?

This special report will examine in depth the current state of the initiative process in California. It will analyze the means by which three initiatives qualified for the state primary ballot in California this month — Proposition 9 (Howard Jarvis' income-tax-cut plan) by computer mailings, Proposition 10 (rent control) through paid signature gatherers, and Proposition 11 (oil-company taxation) by the use of unpaid volunteers. It will discuss how California has moved away from representative government and toward ballot-box decision-making, how initiative campaigns are financed, the role played by computer mailings and the mass media, and various proposals to change California's heralded system of direct democracy.

Maureen S. Fitzgerald is the director of a "Citizen Democracy" research project being conducted by the **California Journal** with the assistance of a grant from the Ford Foundation.

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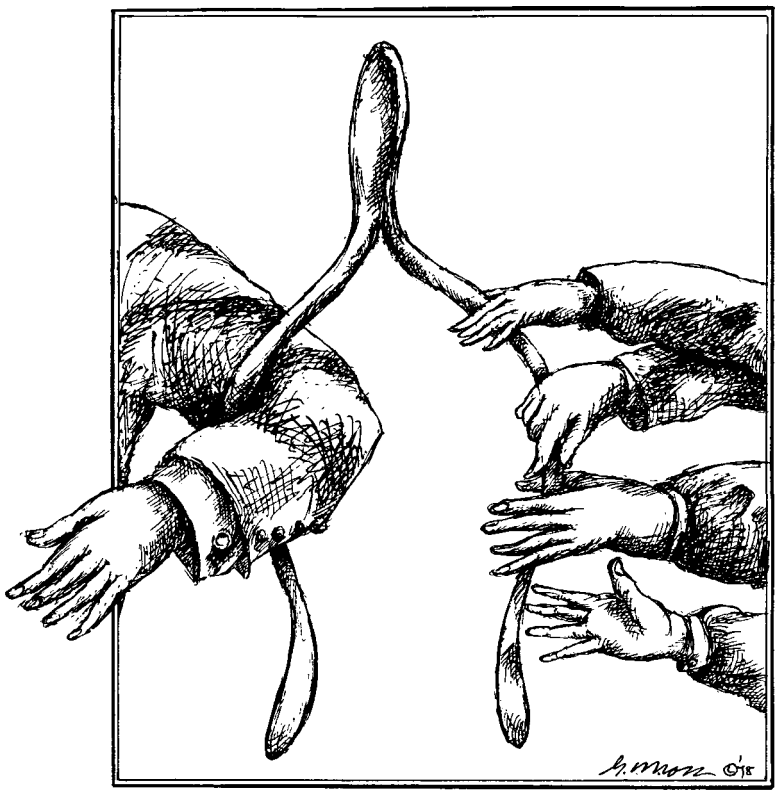
Initiative fever

You need a daily scorecard these days to keep track of all the initiative proposals floating around the state. At any given moment during the past year, there were perhaps 35 measures that had gone through the initial titling procedures and were certified by the secretary of state for the circulation of signature petitions.

By almost any definition, California is in the midst of an initiative epidemic. Ballot measures are being proposed by elected officials, special-interest groups, citizen organizations, citizens with pet projects and law professors trying to reform some aspect of California life.

It is not entirely accurate to say that initiative fever suddenly caught hold in California two years ago following the passage of Proposition 13 sponsored by Howard Jarvis and Paul Gann. It is true that there is more initiative activity than there has been in decades in two major respects:



- **These days initiatives** are often aimed at the cornerstone of government — taxation and appropriations.
- **There is now a record number** of measures being certified for the gathering of signatures.

In historical context, there is no extraordinary number of initiatives qualifying for the ballot. During the first four decades of initiative activity in California (1912 - 1949), many more proposals qualified for the ballot than are making it in the era of computer technology. More than half of the initiatives that were titled in the 1912 - 49 period qualified for the ballot. (And about a quarter of them were approved by the voters.)

The initiative process went into a semi-snooze during the 1950s and 1960s, with 55 proposed, 21 qualifying for the ballot and only five being approved. Interest in the initiative actually was rekindled in the early 1970s, not with the passage of Proposition 13. During the years 1970 through 1978, 138 measures were proposed. Only 21 of them made it to the ballot, and six were enacted.

What of the 1980s? It is obvious that the epidemic will take quite a few years to run its course. It is impossible to predict how many measures will qualify for the ballot, but it is clear that state officials will be kept busy processing the flood of paper produced by those who would become the successors to Jarvis and Gann. Here are the reasons:

- **The computer-letter** operation pioneered by the Butcher-Forde organization in Orange County is expected to mushroom. It can be used to collect signatures for an initiative, raise funds for a campaign and convince voters to support or oppose a measure. Chairman Thomas Houston of the state Fair Political Practices Commission believes that "it's crazy not to go the computer-letter route. It's so easy."
- **A large segment** of the people believes that the Legislature is incapable of solving California's major issues. This will make it easy for groups and individuals with simplistic solutions to problems to develop followings.
- **Single-issue politics** is the order of the day in California. The initiative can be used as a vehicle for the promotion of policies and programs sought by single-issue organizations. California's weak party system provides fertile territory for these campaigns.
- **The Jarvis-Gann initiative** and Paul Gann's "Spirit of 13" measure require that many future fiscal decisions be made by the electorate rather than by the representatives of the people.
- **Initiatives seem** to flourish when conservatism is the dominant political philosophy. And there are definite indications that the political pendulum is swinging toward the right in California.
- **In some cases** the initiative will be used to prod the Legislature into action. The fear of an initiative can be an effective weapon to force lawmakers off dead-center on an issue.

Long-range predictions on the subject of initiatives are almost worthless. Who would have guessed five years ago that this June's ballot would have contained a measure designed to block rent control and a plan to levy a windfall-

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profits tax on oil companies? For that matter, Howard Jarvis' Proposition 9 would have looked improbable just three years ago. However, there are three general areas in which there is now significant activity that could produce future ballot measures:

• **Education.** The public schools are in trouble. Opponents of busing are not satisfied with the results of Proposition 1 on last November's special-election ballot, and there is a strong possibility that a court will order inter-district or metropolitan busing. There will be renewed interest in measures giving parents freedom of choice and helping private schools. These take two basic forms — voucher plans and tax-credit proposals. Thus far, sponsors of these changes in the financing of schools have not been able to get enough signatures to qualify a proposition for the ballot. But they intend to keep trying.

• **Taxation.** The tax revolt is far from dead. Future California ballots may well contain proposals to reduce the sales tax, eliminate the inheritance tax, cut the sales tax on gasoline, or establish a new system of levying property taxes. In fact, a major campaign is under way to qualify the so-called "Tax Simplicity Act" for the November ballot.

• **Government structure.** The Republican Party has joined hands with the Law and Order Campaign Committee to strip judges of some of their independence. Propositions aimed at the Legislature might also be in the offing.

Initiative fever has had a marked effect on the infrastructure of government. The Legislature has been sitting in a state of partial paralysis this year, awaiting the voter verdict on Proposition 9. Politicians are reluctant to speak out against ballot measures for fear of offending newly powerful personalities like Howard Jarvis and Paul Gann. The initiative process has produced a major candidate for the United States Senate in Gann. Computer letters signed by Howard Jarvis were instrumental in the defeat of three Democratic assemblymen in 1978.

Some of these peripheral effects of initiatives often have more lasting effect than the ballot measures themselves. That is because the courts often strike down statutes and constitutional amendments adopted by the people. In fact, only a few of the measures adopted in the last 20 years now stand in the form approved by the people — a railroad-sponsored anti-featherbedding law, Proposition 13 of 1978 and Paul Gann's "Spirit of 13" initiative. And there are those who feel that in years to come the courts may yet wield a scalpel on Proposition 13, even though the state Supreme Court seemed to give the plan a bill of clean health last year.

Three case studies

The three initiatives that qualified for the June 3rd state primary ballot all took distinctively different routes to reach the voters. One, Proposition 11, traveled the road envisioned by Hiram Johnson — through the efforts of citizen volunteers. However, the leadership for the campaign hardly sprang from the grass roots; The measure was born within the Brown Administration, and a former aide to the governor, Bill Press, directed the operation. A second measure, Proposition 10, qualified through another procedure long employed by economic interests in California — the hiring of paid signature gatherers. The third, Proposition 9, was the product of the latest phenomenon in the initiative business, the computer letter.

The process by which all three of these measures qualified for the ballot will be analyzed in the following three case studies.

PROPOSITION 9

P.S. Please send money

Proposition 9 launched a new era in the 69-year history of the initiative process in California. For the first time, a measure qualified for the ballot without face-to-face contact between a petition-carrier and a petition-signer. More than 800,000 signatures were obtained for the measure strictly through the mail. Even more remarkable, the funds to finance the signature-gathering operation were provided by those who signed the petitions.

Proposition 9, also known as Jarvis II or Jaws II, was the third in the series of tax-revolt measures initiated two years ago with Proposition 13, authored by Howard Jarvis and Paul Gann. Jarvis became associated with the Orange County campaign-management firm of Butcher-Forde Con-

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STOP HERE!
New Lists Now Available
For Immediate Testing
100,000 Howard Jarvis' 1978-79 Active donors OUTSIDE CALIF. @ $90/M
62,000 Howard Jarvis' 1978-79 California Active donors $15 & up @ $90/M
225,000 Howard Jarvis' 1978-1979 California active donors $1-14.99 @ $55/M
100,000 Howard Jarvis' 1978-79 Tax Revolt Supporters OUTSIDE CALIF. @ $50/M
220,000 Howard Jarvis' 1978-79 California Tax Revolt Supporters @ $50/M
75,000 Pro-Law & Order Donors @ $50/M
30,000 Pro Law & Order Activists @ $30/M
18,000 Pro Morality Donors @ $50/M
180,000 Pro Morality Activists @ $30/M
35,000 Known Anti-Busing Donors @ $45/M
145,000 Known Anti-Busing Activists @ $40/M
15,000 The Sam Yorty Newsletter Active subscribers @ $50/M
27,000 Senator John Schmitz Conservative Supporters/ Donors @$60/M
Call Today For Details
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This advertisement was placed in a direct-mail magazine, *ZIP*, by BF Mailing Lists, a division of Butcher-Forde Consulting. It offers various lists at specified prices per thousand names.

sulting in the Proposition 13 campaign. After succeeding in cutting the property tax 57 percent, Jarvis and Butcher-Forde set out to chop the state's personal income tax in half. This time, they decided to rely exclusively on direct mail.

Here's how the Proposition 9 signature-gathering operation was conducted: Butcher-Forde began with the entire statewide voter registration list, thus avoiding signatures from Californians who are not eligible to vote. The list was sent to the R.L. Polk firm of Detroit, which publishes city directories with the name and addresses of residents. Polk refined the voter files and reduced the total by about 10 percent. Those who had indicated they did not wish to receive unsolicited mail were also removed.

Meanwhile, a variety of different mailing packages were developed, with different envelopes and letters. These sample mailings told Butcher-Forde which approaches were most effective. Eventually, some 6 million pieces of computerized mail were sent to registered voters. Back came about 400,000 letters containing 820,000 signatures. Included in 200,000 envelopes were contributions totaling some $1.8 million. According to Butcher-Forde, the average contribution was $9.40, and less than 1 percent of the money came in donations over $100.

Butcher-Forde does most of its own computer work through a subsidiary, Langley Computer Corporation. (The firm is located on Langley Avenue in Irvine.) The company's Harvey Englander, who often acts as spokesman both for Butcher-Forde and Howard Jarvis, says the subsidiary was established because Butcher-Forde could print letters cheaper and faster than other computer organizations. The actual mailing operations are contracted out. The letters were sent under the non-profit bulk rate available to the non-profit California Tax Reduction Movement, Jarvis' organization.

When envelopes were returned, they were processed so that contributors were noted. The actual petition was separated from the contribution solicitation, and information on each response was punched back into the computer. The initiative petitions were checked for legibility and to make sure they conformed with the law. They were sorted by county and eventually filed with county clerks.

After the measure qualified for the ballot, the strategy changed. Additional computer letters were mailed to provide additional funding. But Butcher-Forde also turned to other media. On April 15th, $70,000 was spent for a half-hour television appeal by Howard Jarvis. At the end of the show, Jarvis asked for contributions of $25. Those contributing would become members of the nonprofit corporation. Englander reports that contributions to Jarvis increase every time the media publicize a government scandal. The April 15th appeal was intended to take advantage of the income-tax deadline, a time when Americans are usually down on government.

Most of the money during the campaign was spent for radio and television advertising. Jarvis has stated that "people who vote don't read." Englander added that those who decide the outcome of elections get their information, not from newspapers, but from television, radio and their peers. The campaign focused on the predictions of gloom and doom made by opponents of Proposition 13 and the fact that those predictions did not come true. Jarvis accused the opponents of Proposition 9 of employing the same scare tactics.

The opposition campaign was conducted by "Citizens for California," a coalition of public-employee unions, organized labor, the education establishment, senior citizens, the League of Women Voters and other organizations. The campaign has been headed by two Los Angeles attorneys with extensive political experience, Democrat Mickey Kantor and Republican Douglas Hallett. Most of the leadership comes from public employee groups and beneficiaries of public services. The main theme of the campaign was that the tax cut would primarily help the wealthy and that essential services would be lost.

However, the main focus of the opposition campaign has been the identification and mobilization of those voters who would be affected adversely by enactment of the measure. The committee prepared a detailed manual providing step-by-step procedures for organizing each county. In a normal political campaign, a county would be organized at the precinct level. In this campaign, the unit of organization was a service center — a library, school, college campus, firehouse or park. Targets: the state's 3 million senior citizens, 1.5 million college students, 1.75 million public employees, 4.5 million public-school children and their

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parents, and all others using public facilities.

Thus, the no-on-9 organization was working simultaneously on two levels — with a statewide media campaign emphasizing tax equity and other broad issues and at the local level stressing specific losses to individuals. The committee was not especially successful in raising money for the campaign, and an effort was made to get free publicity. Jarvis' television show on April 15th was countered with senior citizen rallies, for example.

While Butcher-Forde remained in firm control of the "yes" campaign throughout, the "no" side had to survive the resignation of its campaign-management firm in April. The firm was Braun and Company, a Los Angeles firm with experience in ballot-proposition campaigns and public-relations efforts on behalf of corporations. According to reports in mid-April, Braun split with the committee after it came under criticism from public-employee organizations for failing to create a satisfactory media campaign and to raise funds from business sources.

The initiative process

Here are the steps that are taken to qualify an initiative for the ballot:

- Proponents submit the text to the attorney general with a $200 filing fee. The attorney general prepares a title and summary.
- If the measure has any fiscal impact, the legislative analyst prepares a fiscal impact estimate to be added to the summary.
- The secretary of state establishes calendar deadlines for the proponents and county election officials.
- Petition circulators are given 150 days to obtain signatures. Currently, 553,790 valid signatures are needed to qualify a constitutional amendment and 346,119 signatures to place a proposed statute on the ballot.
- If sufficient signatures are submitted, county clerks determine the number of valid signatures.
- If enough signatures are certified, the initiative is placed on the ballot for the next statewide election occurring at least 131 days after the initiative qualifies for a vote of the people.

Larry Fischer, executive vice president of Braun, says that part of Braun's job under the agreement with the coalition was to bring business support into the campaign. Fischer explained that some of the company's business clients feared that passage of Proposition 9 could lead to additional taxation on corporations and could increase pressure to divide the property tax roll into separate segments for residences and business property, with business paying at a higher rate. Fischer says that Braun was not given responsibility for raising any specific amount of money, but other sources say that the firm was supposed to obtain half of the $1.5 million campaign war chest from the business sector.

But business leaders were worried that their financial support could backfire on them. The California Teachers Association, actively fighting Proposition 9, was also working for the so-called Tax Simplicity Act, which would increase the state corporate tax rate from 9 to 12 percent. Other elements in the coalition were supporting Proposition 11, the oil tax initiative. Business leaders came to realize, according to Braun, that every dollar donated to the no-on-9 campaign would free a dollar for labor to spend on Proposition 11 and the Tax Simplicity Act.

There were also differences over the handling of the media campaign. Unions wanted a class-warfare message and Braun pushed for a more moderate approach. These differences could not be worked out. Before the divorce, it was suggested that Braun handle all activities except the media campaign. Fischer said that was not possible, and the firm resigned the account. The San Fernando firm of Michael Kaye and Associates was then hired to handle the media account.

Meanwhile, Butcher-Forde was mailing letters for yet another initiative campaign — one to prevent cutbacks in police, fire and emergency-health services. Indeed, there appeared to be no end in sight to the number of initiatives the firm would manage, although Butcher-Forde did reject the campaign to collect signatures for Proposition 11.

To Bill Butcher of Butcher-Forde, the computer letter technique employed to qualify Jarvis II heralds a new era in citizen participation in government: "Circulating petitions through the mail gives every California voter the opportunity to study the proposed law in the privacy of their own home. They can't be rushed or misled while shopping or standing in a movie line. Furthermore, giving every voter this opportunity provides for true citizen participation in the raising of funds to run the campaign effort." Butcher and Englander contend that the direct-mail approach is precisely in line with the intentions of the drafters of the initiative law. They claim that no big financial interest is funding this kind of campaign. The voter gets a copy of the initiative text and supporting material before signing it. And there is no direct, face-to-face selling pressure. They emphasize that if the public doesn't like an initiative, the effort will die early because there will not be enough money mailed back to sustain the campaign. If the public does not send money, it is cheaper to qualify an initiative through the use of paid solicitors (as was Proposition 10).

To Butcher, the mailing of contributions compares with the voluntary checkoff of $1 on the federal tax return to finance presidential campaigns. It is a way, he claims, for the little guy to buy a piece of participation in the political process.

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PROPOSITION 10

Help wanted: autograph collectors

For about $750,000, the sponsors of Proposition 10 could have hired the Butcher-Forde firm to qualify the rent initiative for the June ballot via the computer-letter system. Instead, Californians for Fair Rents decided to use a more traditional system, paying individuals for the collection of signatures.

At one time, it was standard practice for California special-interest groups to hire a firm to collect the signatures for a ballot measure. The late Joe Robinson, a close ally of then-Secretary of State Frank Jordan, had a near-monopoly on the signature collection business in the state. Now, the top specialists in the field are Ed and Larry Phillips, father and son, of Rosemead and Fresno, who received almost $500,000 for their efforts on behalf of Proposition 10. The Phillipses in turn placed advertisements in various newspapers recruiting individuals to solicit signatures. The collectors were reportedly paid from 25 to 50 cents per signature.

In all, Californians for Fair Rents reported spending $1.8 million qualifying the measure for the ballot — probably far more than would have been spent with Butcher-Forde. In fact, Butcher-Forde received some $255,000 for direct-mail operations in conjunction with the Proposition 10 signature-gathering drive. The costs covered a Howard Jarvis-signed letter to income-tax petition signers soliciting their signatures for Proposition 10. A number of other firms received lesser amounts of money for gathering signatures.

In terms of signatures collected, the committee and its sub-contractors practiced overkill. About 1.2 million signatures were collected, and more than 700,000 were certified as valid by the secretary of state. Only 553,000 were needed to put the proposal on the ballot. It has been proven repeatedly over the years that anyone can get just about any initiative on the ballot simply by spending whatever money is needed to hire solicitors to circulate

The jockeys

Professional campaign-management firms have become the pivotal element in California's initiative process. They are responsible for devising campaigns to obtain signatures so that proposals can qualify for the ballot and then to sell these proposals to the public. Some firms also are hired to convince voters that a measure should be rejected.

Most companies decline to discuss their fees, but it is obvious that management of initiatives has become a profitable business. Normally, firms receive a commission of 15 percent on the cost of advertising plus other fees. Direct mail is more complex, but firms receive payments for development of the letter packages as well as a fee based on the number of pieces placed in the mail.

Here is a list of some of the firms now active in California:

Braun and Company, 3055 Wilshire Boulevard, Suite 540, Los Angeles 90010. (213) 385-3481. Has handled many propositions over the years, including the opposition to Proposition 9 up until April 15th. Principal, Theodore Braun.

The Bradley Group, 54 Mint Street, San Francisco 94103. (415) 777-0100. Managed the campaign to defeat the anti-homosexual initiative in 1978; had a portion of the no-on-9 campaign this year. Identified with Democratic and liberal causes. Principal, Don Bradley.

Butcher-Forde Consulting, 1881 Langley Avenue, Irvine 92714. (714) 641-1390. Managed Proposition 13 in 1978 and Proposition 9 this year. Specialists in direct mail. Principals, Bill Butcher and Arnold Forde. Media spokesman, Harvey Englander.

Cerrell Associates Incorporated, 5967 West Third Street, Suite 302, Los Angeles 90036. (213) 937-3500. Has handled many ballot measures over the years, now is primarily involved with candidates. Specialists in media contact work. Principal, Joe Cerrell.

Solem and Associates, 100 Bush Street, San Francisco 94104. (415) 421-2111. Has been involved in many campaigns in recent years, including field work for Proposition 10 in 1980. In last two years, specialized in local rent-control measures. Principal, Don Solem.

Russo Watts, 1225 Eighth Street, Suite 440, Sacramento 95814. (916) 441-3734. Managed the Proposition 4 campaign in 1979. Relatively new firm. Principals, Sal Russo and Doug Watts.

Weiner and Company, 90 Gold Street, San Francisco 94133. (415) 986-5545. Managed unsuccessful campaign to qualify a school voucher measure for the ballot this year. Has handled many campaigns over the years. Principal, Sandy Weiner.

Winner/Wagner and Associates, 6535 Wilshire Boulevard, Los Angeles 90048. (213) 653-1130. Managed no-on-13 campaign in 1978 and successful campaign to defeat a nuclear power plant measure in 1976. Multi-faceted company with a Sacramento lobbying office. Principals, Charles Winner and Ethan Wagner.

Woodward, McDowell and Larson, 233 Sansome Street, Suite 1004, San Francisco 94104. (415) 392-1217. Managing the Proposition 10 and anti-Proposition 11 campaigns this year. Broke into initiative work in 1978 by defeating the anti-smoking initiative. Principals, Richard Woodward, Jack McDowell, Hal Larson.

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the petitions. It makes virtually no difference what the proposed initiative would do; there are enough Californians out there to qualify it for the ballot with plenty of names to spare.

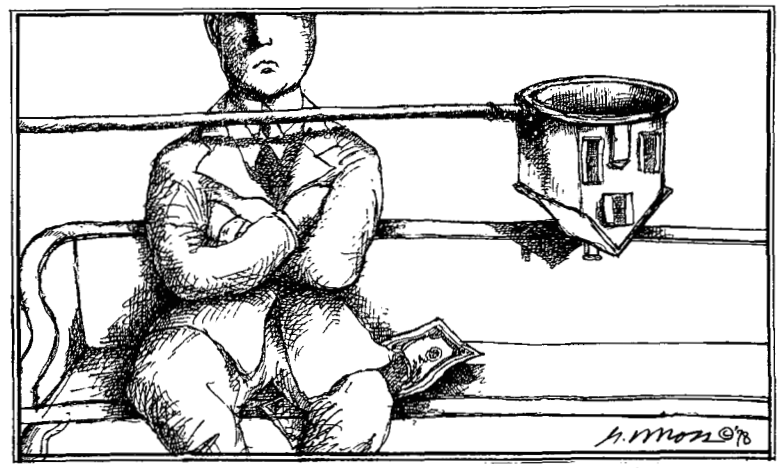
Proposition 10 is a direct legacy of the 1978 Jarvis-Gann initiative. Proposition 13 cut property taxes 57 percent on the average California parcel of property. In theory, rents should have been reduced. But that did not occur. In some places, rents even rose. The result was the immediate demand for the institution of rent-control laws, and such ordinances were enacted in a number of California communities. In the past, the state has generally turned a deaf ear to pleas for rent control.

The sudden proliferation of rent-control laws led to the formation of a coalition called Californians for Fair Rents, composed of the State Building Trades Council AFL-CIO, California Apartment Association, California Housing Council, Mortgage Bankers Association, Building Industry Association and California Association of Realtors. The coalition drafted an initiative placing severe restrictions on rent control and then retained the San Francisco campaign management firm of Woodward, McDowell and Larson (WML) to direct the campaign.

The campaign committee retained responsibility for collection of signatures and raising funds; WML was in charge of political strategy and media contacts. WML first struck initiative gold in 1978 when it managed the successful campaign against an initiative to restrict smoking in public buildings. The smoking campaign was the most expensive in state history and featured a television and radio blitz directed by WML. In the Proposition 10 campaign, the sponsors had already gone through the initial legal steps before contracting with the firm. The agreement called for WML to take over all management of the campaign once the measure qualified for the ballot.

How does WML conduct such a campaign? Partner Richard Woodward explains that the first step is making a determination of how voters perceive an issue. An early poll is taken that becomes the benchmark for the entire campaign. WML employs six firms for survey work — Public Response Associates, Decision Making Information, V. Lance Tarrance and Associates of Texas, Public Sector, American Research and Public Research Associates. The first three pollsters are used to establish how people stand on an issue. The last three study the finer nuances of campaign techniques, such as what words might have the most effective impact in a given campaign.

Based on these studies, the management firm designs a media campaign. WML writes its own advertising and public relations messages. The actual filming and production of television spots is contracted out. Woodward says a generalized approach must be used for television, and it is important to define the battleground and/or establish a mood. For Proposition 10, defining the issue was pivotal. WML decided to present the measure as a reasonable compromise between opposing forces in the rent-control war.



Television and radio spots started appearing three months before the election. Why so soon? Woodward and partner Jack S. McDowell say they did not feel that the spots started running any too early. They felt they needed to educate the public and that it would be more difficult to get their message across late in the campaign season, when they would be competing with other candidates and issues for the attention of the viewer and listener. The campaign carried two major themes: The proposition would allow cities to have reasonable rent controls, and the measure was needed to spur the construction of much-needed housing units in the state.

The opposition had a head start in the public opinion polls but was far behind in money for a media campaign. The "no" forces, which called themselves Californians Against Initiative Fraud (CAIF), consisted of the California Housing Action Information Network, Campaign for Economic Democracy and Golden State Mobile Home Owners Association. Because of lack of funds, CAIF was forced to seek support from low-income, senior-citizen and minority groups, to work hard for the support of newspapers, and to gain publicity through court action.

California Rural Legal Assistance charged in a lawsuit that paid solicitors had misrepresented the measure in seeking signatures. The suit failed, but the organization was able to get considerable free publicity emphasizing the main point of the "no" side — that Proposition 10 is a fraud because it would make it virtually impossible for any city to enact a workable rent-control ordinance.

This year, both sides on all three of the most controversial initiatives went to court in an effort to obtain changes in the arguments included in the official pamphlet mailed to each voter. These legal challenges are becoming part of the routine in initiative campaigns, and judges occasionally order changes in the wording of the arguments.

For many years, there have been debates about the use of paid solicitors to collect signatures. The 1974 Political Reform Act would have reduced dependence on paid gatherers by

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imposing spending limits for the qualification of initiatives. The limits were ruled unconstitutional as interference with the exercise of free speech. State law does impose criminal sanctions for abuses relating to the circulation of initiative petitions, but these laws have rarely been used.

The standard argument is that the payment of petition circulators runs counter to the purpose of the initiative, which was designed for use by ordinary citizens rather than economic interests who can always get measures on the ballot. But in ruling for the sponsors of the measure, Judge William Biddick of San Joaquin County concluded: "Whether or not there are any circumstances which would justify intervention by the court, it is fundamental that the court should not casually intervene in an area which deals with substantial First Amendment rights. This is exactly what is being requested of the court."

Nothing in state law required that a citizen read a petition before signing it or that the circulator give a potential signer a clear explanation of the issue. Many people probably read the two-word title given the measure by the attorney general — "rent control." And they probably were told only to "Sign here for rent control."

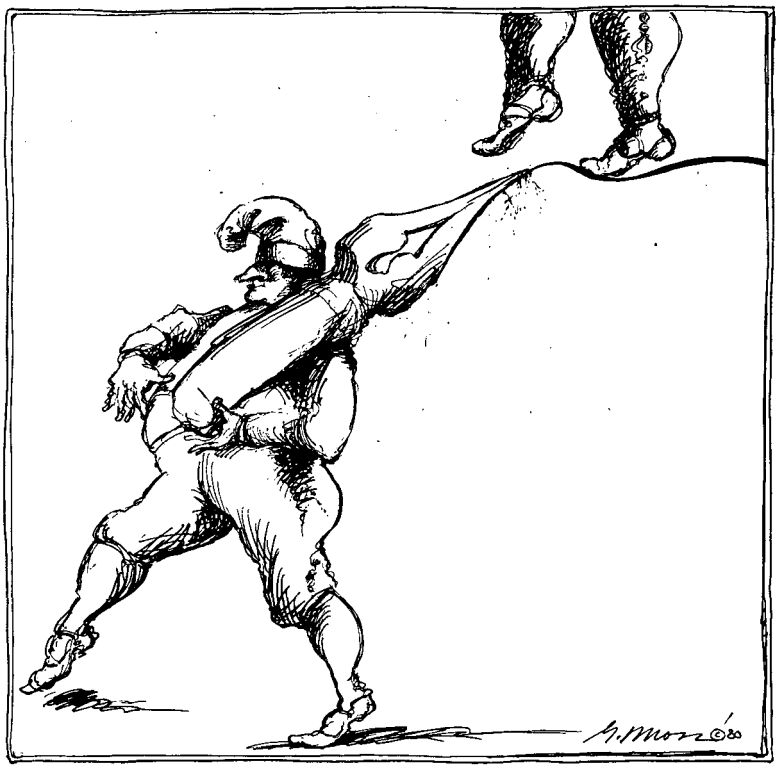
The late Ed Koupal, who founded People's Lobby and specialized in circulating petitions, came to the conclusion that 75 percent of Californians will sign a petition without reading it if they are asked to do so. He believed that enough card tables, with enough aggressive circulators, working enough shopping centers could qualify virtually anything for the ballot if they used a simple, catchy slogan.

PROPOSITION 11

Brown seed and grass roots

Can an initiative campaign properly be called a grass-roots effort when it is unveiled in the office of the highest-ranking elected official in the state?

Proposition 11, which would place a 10 percent surtax on the California earnings of major oil companies, was part of Governor Brown's 1979 energy program but was virtually ignored by the Legislature. One of the governor's top aides, Bill Press, then resigned as director of the state Office of Planning and Research to lead an initiative campaign to qualify the tax plan for the ballot. At the time, there was speculation that Press intended to use the proposition as a launching pad for a personal campaign to win a seat in the Legislature. (Press subsequently indicated that he had abandoned his hope of running for Assembly from Marin County, where he was building a new home.)



From that point on, the Proposition 11 campaign was largely a grass-roots effort. Press had little money with which to work, and Brown was busy racing around the country in his futile effort to win a presidential primary. At first it appeared that Press and his California Oil Profits Coalition had little chance of winning a place on the June ballot for the initiative. As it turned out, Press was able to win some free publicity and raise enough money to pay some of his "volunteers" subsistence wages while they gathered signatures or campaigned for passage of the proposition. His measure qualified for the ballot with very few signatures to spare.

David Calef, a campaign spokesman, says that the signature-gathering effort was patterned after the successful effort of Cesar Chavez' United Farm Workers to qualify an agricultural-labor proposal for the 1976 ballot. (Chavez qualified the measure in a record 29 days.) Proposition 11 volunteers concentrated on locations with high volume or turnover — movie lines, shopping centers, college campuses, environment fairs, grocery stores. He estimated that there were 80 full-time workers gathering signatures at the peak of the campaign, with another 100 joining the workforce on weekends.

The signature-gathering process was also used to recruit workers. At the time an individual signed the petition, an attempt would be made to get the person's telephone number. The signer would be contacted by phone and asked to attend a meeting of volunteers. Last month, about 40 full-time volunteers were working to generate support for Proposition 11. They were paid only basic living expenses.

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The price of an initiative

How much does it cost to qualify an initiative for the ballot? The answer seems to be about $2 million for a constitutional amendment, unless there is a substantial volunteer effort as in the case of Proposition 13.

State law requires that committees supporting or opposing the qualification of ballot measures must file reports detailing receipts and expenditures. Here are the key elements in the first reports filed (covering the qualification period only) by the three committees sponsoring Propositions 9, 10 and 11 on this June's ballot:

Proposition 9

"Cut the Income Tax Committee" reported receiving $1.9 million and spending $2.1 million, leaving a deficit of $194,000. According to the Fair Political Practices Commission, all but $12,500 came in donations of $500 or less. Some of the larger expenditures: Payments to Butcher-Forde Consulting, $804,000, including $481,000 for computer letters, $140,000 for postage, and $104,000 in creative fees. Payments to other firms: postage, $215,000; printing, $195,000, computer services, $204,000; mailing services, $135,000.

Proposition 10

The "Committee for Fair Rents" and allied committees reported receiving almost $2 million and spending almost $1.9 million during the largest reporting period, leaving a deficit of $315,000 More than half the money came in donations of $500 or more. Most of the donors were apartment owners, land developers and financial institutions. The largest expenditure, about $500,000, went to Ed Phillips of Los Angeles and Larry Phillips of Fresno for the collection of signatures. The next largest payment, $255,000, went to a committee named Californians Against Government Controls, affiliated with Butcher-Forde Consulting. These funds were used for a direct-mail campaign that produced about 150,000 signatures for the initiative.

Proposition 11

The "California Oil Profits Coalition" reported receiving $213,630 through the end of 1979, leaving a deficit of $115,000. One-third of the contributions came in sums of $500 or more. The major expenditures were $70,000 for salaries of campaign staffers and expenses of signature collectors and $15,000 for telephone bills.

The opposition, "Californians for Fair Taxation," reported much higher expenditures. Through February 20th, the committee received $471,000 in cash and $126,000 in non-monetary contributions. Some $323,000 was expended through that date. Most of the money was contributed by eight major oil companies. Standard Oil of California donated $114,000 in non-monetary items, such as the value of employee time. Expenditures included $60,000 for attorney fees, $80,000 for production of commercials, and $87,000 to Woodward, McDowell and Larson in fees and campaign-management expenditures.

(No opposition reports were filed for Propositions 9 and 10.)

The volunteers were not all young college students but covered a wide spectrum of ages and occupations.

Press has tried to conduct a campaign based on one central issue — "corporate greed." He has tried to turn the expensive opposition campaign being waged by the oil companies to his own benefit. He has predicted that the anti-11 campaign will be the most expensive in history, topping the $6 million spent by the tobacco industry to beat the anti-smoking measure two years ago. Press has also used court challenges and the Fair Political Practices Commission to gain free publicity for 11.

The Proposition 11 campaign developed a television commercial showing pigs feeding at a trough. It attacked oil-company profits, splashed the words "Tax Pig Oil" across the screen and gave a telephone number. Some television stations refused to run the ad, claiming it was in poor taste. Press complained to the Federal Communications Commission and otherwise protested. He didn't win, but he received a great deal of newspaper publicity and news coverage on radio and television. Press estimates that the coverage was worth $100,000.

Press also complained to the FPPC that the opposition was not filing proper documents on expenditures to fight the proposition. Press lost his case before the FPPC but again gained free media exposure for his arguments and for his general pitch that oil company profits were outrageous. Press received more media coverage for his complaint that the opposition advertising was misleading, deceptive and inaccurate.

The opposition, composed primarily of major oil companies and independent oil producers, mobilized its forces early under the name of Californians for Fair Taxation. The same firm handling the "yes" side of Proposition 10, Woodward, McDowell and Larson (WML), was hired to direct the campaign. WML started spending big money for radio and television ads almost as soon as the measure qualified for the ballot. The campaign has emphasized some of the more bizarre aspects of the measure, including the fact that

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it would tax other-than-petroleum profits. The campaign came up with an estimate that administering the proposed tax would cost $100 million a year. The ads also emphasized that the same "bumblers" who have been running government in California would be spending the money raised by Proposition 11.

WML relies heavily on public-opinion surveys to shape the direction of its campaigns. Because the polls showed that the public was initially heavily in favor of Proposition 11, WML found it desirable to flood the airwaves with commercials in March and April. In early April, the campaign reported that it had already spent more than $2 million to defeat the measure. The tactics employed to defeat Proposition 11 were almost identical to those used by the firm to promote Proposition 10. During the campaign, the Houston firm of V. Lance Tarrance interviewed Californians to determine effective campaign strategy. At the same time, Public Response Associates conducted other surveys to determine the impact and voter recall of anti-11 ads.

Proposition 11 was a rather unusual initiative because it probably could not have qualified in another year or even under slightly different circumstances. At the very time that Press was trying to generate momentum for the measure, the oil companies reported record profits and gasoline pump prices took another upward leap. Dozens of citizens responded by volunteering to carry petitions. Obviously voters were more than willing to respond to a simple pitch to "sock it to the oil companies."

Most of those signing the petitions didn't read the proposal, a complex measure that would be almost impossible for a lay person to understand in its entirety. Most people sign because they trust the solicitor or are impressed with the slogan that is the key to the solicitation. Often, prospects are told that they are only signing to place a measure on the ballot and that they aren't necessarily supporting everything in the proposition. In this case, the volunteers did not have much trouble getting signatures once they told people that the measure would merely tax the windfall profits of oil companies.

From a good-government standpoint, there is one major selling point for this type of effort. Since most volunteer solicitors receive little or no financial reward for their efforts, the public is usually solicited only by those who have read the initiative and are convinced of its worthiness. That is not always the case when solicitors are paid to get signatures.

Initiatives for sale?

On the surface, it might appear that the initiative process is for sale in California. Many millions of dollars are being spent for and against ballot propositions, and the amounts seem to be growing with each succeeding election. There are always those — usually the side with the smaller bankroll — charging that an unconscionable amount of money is being spent to determine the outcome of an election.

There is no legal limit on how much can be spent to qualify an initiative or to campaign for and against a ballot measure. Limits were contained in the Political Reform Act of 1974 but they were promptly thrown out by the courts as a violation of First Amendment freedom-of-speech rights.

Despite the rise in spending, initiative contests are not necessarily being decided by the amount of money each side has to spend. There are at least two indications of this:

- According to a study by the Fair Political Practices Commission, no more money is being spent today than in previous years on initiatives when the figures are adjusted for inflation.
- During the 1970s, the side spending the most money lost eight out of 21 initiative elections.

However, it remains to be seen whether the FPPC will change its view on spending after receiving the final reports on this year's initiatives. Huge amounts of money have been spent against Proposition 11 and in favor of Proposition 10. And the totals for Proposition 9 should be in the millions as well, especially if the pre-qualification computer mailings are included.

In the Proposition 11 campaign, chief sponsor Bill Press raised an interesting issue. He urged the FPPC, without success, to include in reportable campaign expenditures the funds used by oil companies to defend their record profits. Actually, Press didn't expect to win an FPPC ruling, but he did get some free publicity out of his plea.

Despite the past court action, there are some political reformers who still would like to see limits imposed on individual contributions. Dan Lowenstein, former chairman of the FPPC and now a law professor at UCLA, favors a high ceiling of perhaps $100,000. And he thinks it is possible that such a limit could withstand the inevitable court challenge. In the landmark 1976 **Buckley v. Valeo** decision, the United States Supreme Court said that limits could be established for contributions to a candidate's campaign because a large contributor might be able to exercise undue control over a public official. That same reasoning does not hold for ballot measures.

San Francisco attorney James Parrinello, in testi-

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. . . And California shall be tenth

Following the passage of the Jarvis-Gann ballot proposition in 1978, the rest of the nation reacted to the enactment of the massive property tax cut as though California had invented the initiative process. But the state can hardly claim credit for that. South Dakota was the first state to adopt the tools of direct democracy in 1898. And California was 10th.

The initiative, referendum and recall were instituted in California as part of the Progressive movement to end the machine politics of the Southern Pacific Railroad. Hiram Johnson ran against the railroads in his successful 1910 campaign for governor. Actually, the campaign to use the initiative, referendum and recall to break railroad control of the state was initiated in the Legislature even before Johnson came to power. The initiative had strong backing in 1909, according to reports by journalist Franklin Hichborn (who wrote a series of books chronicling the Progressive era), but it failed to clear the Legislature. The main arguments against it, Hichborn reported, were that it would lead to a plethora of proposals placed before the electorate and that the public would not study each proposition sufficiently.

Despite the initial legislative successes of its opponents, the initiative was gaining public support. Direct-democracy planks were placed in the 1910 platforms of both the Republican and Democratic parties. Following election, Republican-Progressive Johnson called for the Legislature to place the proposals before the people. In 1911, the initiative was added to the constitution by a vote of 168,744 to 52,093. It provided that the public could qualify a measure for the ballot by submitting petitions signed by a number of registered voters equivalent to 8 percent of the votes cast for governor in the previous election. In 1911, companion measures placing referendum and recall provisions in the constitution were also adopted.

The fight over the initiative didn't end there. For several years thereafter, efforts were made repeatedly to discredit direct democracy. The opponents pointed to signature forgeries, deceptive proposition wording and other abuses as evidence that the Progressive reforms should be repealed. Johnson fought off the attackers, even though he was forced to concede that abuses had arisen. Defenders of the initiative responded that the remedy was the establishment of enforcement provisions, not repeal of the law. Penalties were enacted for misrepresenting the contents of a petition and for the use of fictitious or forged signatures.

The sanctity of the initiative was challenged twice during its first decade, according to Hichborn, when it became enmeshed in conflicts over Prohibition and the single-tax theory of Henry George. The "wets" tried to suspend the initiative for eight years on liquor issues. The voters responded by both opposing Prohibition and the proposed limitation on the initiative. Opponents of the George single tax on land tried to increase the signature requirement from 8 to 25 percent on initiatives affecting taxation. Johnson, then a United States senator, convinced the voters that the proposal would nullify the initiative.

There have been two major changes in the initiative since 1911:

The original constitutional provision included a procedure called the indirect initiative, which was repealed in 1966 after having been used only four times in more than 50 years. Under the indirect initiative, a proposal could be sent to the Legislature by petitions signed by the equivalent of 5 percent of those voting in the prior gubernatorial election. The Legislature had 40 days to act. If legislators accepted the proposal without change, it became law. If the plan was defeated or amended, it would appear on the next statewide ballot.

From 1911 to 1966, the signature requirement to qualify all measures for the ballot — both constitutional amendments and proposed statutes — was 8 percent. In 1966, voters approved an amendment reducing the requirement to 5 percent for statutes. The change was proposed by the state's Constitutional Revision Commission in an effort to discourage Californians from adding excessive verbiage to the Constitution. The change has not been as successful as had been hoped. Most measures now qualifying for the ballot would amend the constitution.

In recent years the Legislature passed a bill allowing the secretary of state to qualify an initiative for the ballot through a random-sample check of signatures. If the sample technique indicates that there are 110 percent of the required signatures, the measure is certified for the ballot. If the percentage falls below 90, the measure dies. If the percentage falls between 90 and 110, each signature is checked for authenticity. Legislation also has been enacted to guarantee that petitions are confidential. This was done to protect the privacy of individuals signing petitions. This year, Attorney General George Deukmejian issued an opinion that those who collect signatures cannot use them to raise funds or to qualify future initiatives.

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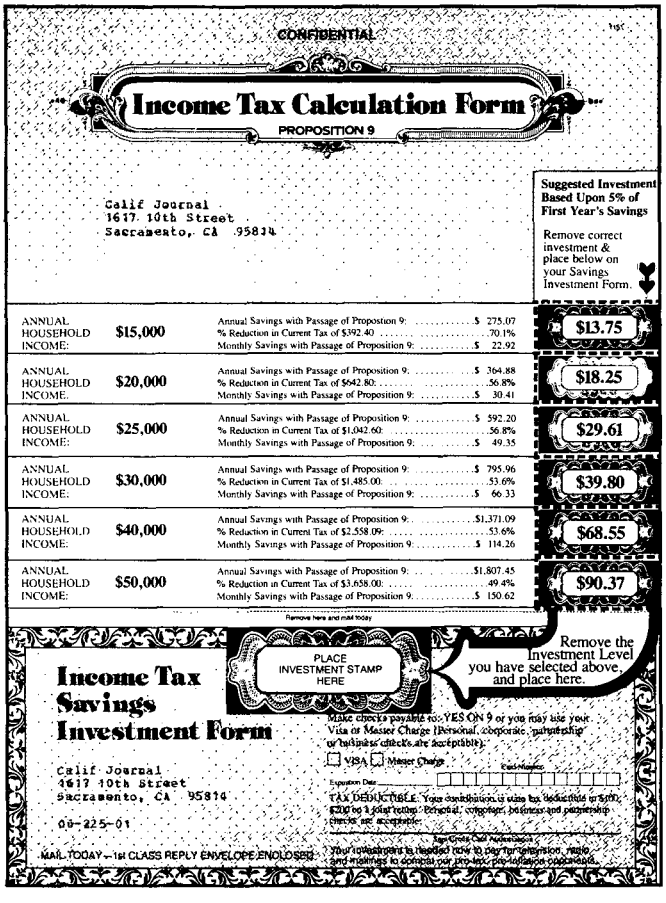
mony before the state Senate Select Committee on Political Reform, indicated that courts might approve limits in proposition spending if it can be shown that large contributions threaten imminently to destroy citizens' confidence in government and that the expenditure of large sums of money exerts undue influence on the outcome of elections.

Given today's political climate, it would be hard to prove that campaign contributions are destroying citizen confidence in government. One reason the initiative movement is so popular is because it is responsive to citizen displeasure with the current state of government in Washington and Sacramento.

'Official documents enclosed'

The use of direct mail for political purposes is hardly new. It has been used by candidates for decades to sell themselves to voters. What is new is the sophisticated and successful manner in which computerized mailings are being used both to qualify and raise funds for initiative measures.

The main advantage of the computer letter over mass media is that it can be targeted. Mailings can


CONFIDENTIAL

Income Tax Calculation Form
PROPOSITION 9

Calif Journal
1617 10th Street
Sacramento, CA 95814

Suggested Investment Based Upon 5% of First Year's Savings

Remove correct investment & place below on your Savings Investment Form.

ANNUAL HOUSEHOLD INCOME:	$15,000	Annual Savings with Passage of Proposition 9: $ 275.07 % Reduction in Current Tax of $392.40: 70.1% Monthly Savings with Passage of Proposition 9: $ 22.92	$13.75
ANNUAL HOUSEHOLD INCOME:	$20,000	Annual Savings with Passage of Proposition 9: $ 364.88 % Reduction in Current Tax of $642.80: 56.8% Monthly Savings with Passage of Proposition 9: $ 30.41	$18.25
ANNUAL HOUSEHOLD INCOME:	$25,000	Annual Savings with Passage of Proposition 9: $ 592.20 % Reduction in Current Tax of $1,042.60: 56.8% Monthly Savings with Passage of Proposition 9: $ 49.35	$29.61
ANNUAL HOUSEHOLD INCOME:	$30,000	Annual Savings with Passage of Proposition 9: $ 795.96 % Reduction in Current Tax of $1,485.00: 53.6% Monthly Savings with Passage of Proposition 9: $ 66.33	$39.80
ANNUAL HOUSEHOLD INCOME:	$40,000	Annual Savings with Passage of Proposition 9: $1,371.09 % Reduction in Current Tax of $2,558.09: 53.6% Monthly Savings with Passage of Proposition 9: $ 114.26	$68.55
ANNUAL HOUSEHOLD INCOME:	$50,000	Annual Savings with Passage of Proposition 9: $1,807.45 % Reduction in Current Tax of $3,658.00: 49.4% Monthly Savings with Passage of Proposition 9: $ 150.62	$90.37

Remove here and mail today

PLACE INVESTMENT STAMP HERE

Remove the Investment Level you have selected above, and place here.

Income Tax Savings Investment Form

Calif Journal
1617 10th Street
Sacramento, CA 95814

09-225-01

Make checks payable to: YES ON 9 or you may use your Visa or Master Charge (Personal, corporate, partnership or business checks are acceptable)

☐ VISA ☐ Master Charge

Card Number:

Expiration Date:

TAX DEDUCTIBLE. Your contribution is also tax deductible up to $200 on a joint return. Personal, corporate, business and partnership checks are acceptable.

Tax Credit Not Advocated

Your investment is needed now to pay for television, radio and mailings to combat our pro-tax, pro-deficit opponents.

MAIL TODAY - 1st CLASS REPLY ENVELOPE ENCLOSED

Proposition 9 fund-raising computer mailer

be tailored by occupation, political party, community, wealth and other demographic factors. They can be used for three purposes — to sell ideas, to gather signatures and to collect money. Success of a direct-mail campaign depends almost entirely on the packaging: Will the recipient open the envelope? Will the voter be convinced by the letter? Will the petitions be signed? And will money be enclosed in the return envelope? Butcher-Forde did everything right in the Proposition 9 campaign, at least if judged by the response. Here is how the mailers looked:

The return address on the outside envelope contained the name HOWARD JARVIS in large letters. Below his name was a small box labeled "pre-mail checkoff," containing blue check marks and a person's initials next to boxes labeled "contents," "name," "date." At a glance, it appeared that the marks were made by hand, not machine. The name and address of the recipient showed through the window in the envelope. To the right of the name were two phrases in large letters: "OFFICIAL DOCUMENTS ENCLOSED" and "OPEN IMMEDIATELY." (The official documents were the initiative petitions.) Inside were a one-page letter from Jarvis explaining the initiative, a postage-paid return envelope and a long sheet containing the initiative petition and a solicitation for funds. The fund solicitation is headed "Official Citizens Income Tax Petition" and it lists six types of donation. In small type, the recipient was informed, "This section will be removed by your Cut the Income Tax Committee before submission to election officials."

The law prohibits anyone from using the names on initiative petitions for another purpose, such as a future political campaign. The Butcher-Forde mailers were designed to make certain that there was a distinct difference between the petition itself and the fund solicitation section, which was retained by Butcher-Forde.

In the Proposition 9 campaign, the firm came up with a wrinkle that had never before been used in a political campaign. At the end of the Jarvis letter was a postscript that read like this: "This petition was made possible by a $12 contribution by Ms. Barbara Murphy of Vista. If you fail to return your petition, the Murphy family's contribution will have gone to waste. Mail it today." This bit of psychology is believed largely responsible for the remarkable rate of return.

Butcher-Forde is also responsible for a more current mailer that has been the target of press criticism. In seeking signatures for a proposal to ban cutbacks in police and fire services, the firm has

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been mailing letters with these words on the envelope: "Referred by Police Sergeant Mike Tracy" and "Urgent, Urgent, Urgent." Englander responds to critics by saying that the envelope complies with state law and that police and fire protection is an urgent matter to many Californians.

The Butcher-Forde firm has been criticized generally for using exaggerated claims in its mailers. But the state Fair Political Practices Commission and the secretary of state have thus far not been able to find anything illegal about the mailings, partly because there is considerable leeway under the First Amendment as to what may be said in a political campaign.

The Republican Party employed a Butcher-Forde tactic recently in seeking signatures for a proposal to reform the judiciary. The envelopes stated: "OFFICIAL DOCUMENT ENCLOSED." It is clear that this is only the beginning of attempts by various organizations to use the techniques pioneered by the Orange County firm. And the general public seems to be paying little attention to criticism of computer mailings in the press.

Englander claims journalists don't like direct mail because it bypasses them. Butcher defends the envelope teasers by saying they merely help to get a fair hearing for the material inside. He says Butcher-Forde is doing essentially the same thing as other media: packaging the news as attractively as possible. Headlines are teasers to get attention, he says, and they are often sensationalistic and overstated.

Thomas Houston, chairman of the Fair Political Practices Commission, envisions a wave of initiatives being produced by computerized mailings. He thinks that the lists of responsive citizens will be refined much further and that they will be used over and over again. Most of the measures that succeed, according to Houston, will be those that appeal to conservatives. Liberals are less willing to contribute money, he says. Butcher-Forde has indicated that its list of hot prospects will be available for rental, but on a limited basis.

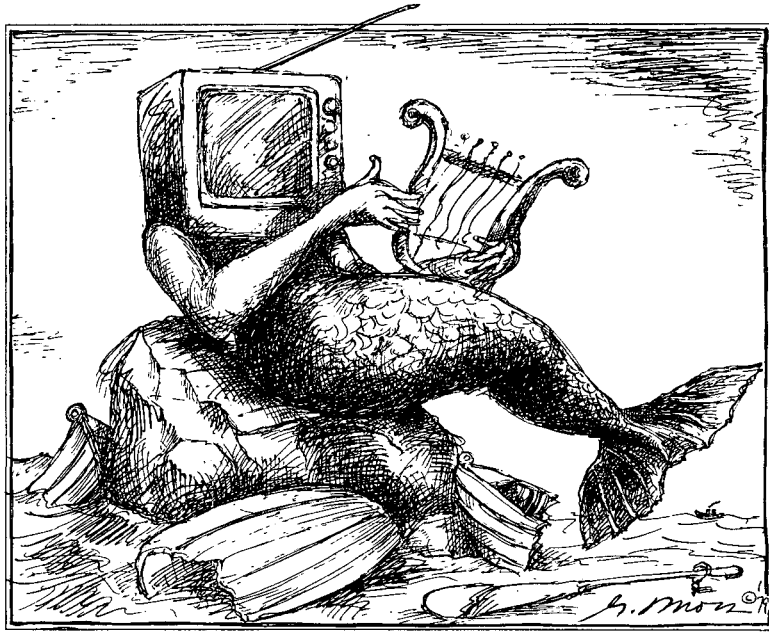
Butcher-Forde has brought a major new dimension to the initiative process. In the past, organizations have employed the initiative when the Legislature failed to solve their problems. After the voters cast their ballots, the organization sponsoring the initiative disappeared. Now, Butcher-Forde and others who may compete in the promotion of initiatives by direct mail have an economic stake in the proposition business. They have computers and lists in need of causes. And popular causes are never hard to find in a state as large and complex as California.

Selling of a proposition

In an ideal world, each voter would study in detail the official pamphlet on ballot propositions distributed by the secretary of state, as well as analyses published by such non-partisan organizations as the League of Women Voters and the California Center for Research and Education in Government. The voter would investigate any questions that could not be satisfied through a reading of these materials before casting a vote, rather than reacting to emotional stimuli from the proponents or opponents of each measure.

But we live in a political world that is far from ideal — one in which slogans and slick advertising messages have become more important than facts in deciding the outcome of ballot-measure campaigns. The selling of initiatives has been revolutionized since 1911, when Hiram Johnson brought direct democracy to California. In Johnson's day, there were no computers or television sets, and radio was in its infancy. The currency of political campaigning was the written word, the printed cartoon and face-to-face campaigning.

Today, ballot measures are qualified through computer letters, paid signature collectors and volunteer workers. Once a measure qualifies for the ballot, television becomes the prime medium for winning the votes of the citizenry. The electronic media in recent years have eclipsed newspapers as the dominant method for the shaping of the public mind. Although newspapers still play a key role in the process, most campaign managers devote



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much of their effort to developing convincing television campaigns.

This places a premium on sloganeering. A 30-second television commercial cannot be used to sell a complex argument. But it can be employed to connect a "yes" vote for Proposition 11, for example, to "Tax Pig Oil" or a "no" vote on the same measure to "the $100 million sting." The voter often decides how to vote on an initiative from the competition between catchwords — not from a dispassionate analysis of the issue.

The decline in the potency of newspapers in the political process is reflected in the virtual disappearance of political advertising from the press (with the exception of local issues and announcements of television appearances). Most newspapers print detailed analyses of each proposition and cover the campaigns on controversial measures quite thoroughly. Newspaper endorsements still carry a great deal of punch on relatively non-controversial measures. That's because the average voter looks to the papers for guidance because he or she cannot get any information on these measures from the electronic media. It is questionable how much weight newspaper editorials carry on controversial measures. In the Proposition 13 fight two years ago, very few newspapers supported the Jarvis-Gann measure. Yet it passed overwhelmingly.

Campaign managers still take newspapers seriously. They send press releases faithfully to newspapers in the hope of receiving free publicity. There is perhaps a more important reason: Television news directors often take their lead from newspapers on what to put on the air. In campaigns with limited funds, television gets top priority, with radio next and newspapers third.

The computer letter is not often used strictly to sell a position on an initiative. It is used early in a campaign by Butcher-Forde and others as a means of raising money for a campaign and to solidify the support evidenced in the signature-gathering phase of the campaign. However, the computer letter is a recent phenomenon, and it could become an important sales tool if campaign managers become convinced that it will produce more votes for the dollar than other media.

Radio is often used as an inexpensive means of fortifying a television message. A campaign can flood the airwaves with 10-second radio spots at a fraction of the cost of a television campaign. (Radio is also used early in some campaigns to help improve the name identification of a candidate for office.) Woodward, McDowell and Larson used radio commercials heavily in the campaign against Proposition 11 to implant the "bumbler" and "sting" symbols in the minds of the voters.

As one campaign manager puts it, "In California, there are only three media that count — television, television, and television." The theory is that the voter who holds the balance of power in the state — "Joe Six-pack" — decides which way to go on a proposition primarily on what he or she sees on the tube. Thus, the cornerstone of each campaign is the series of 30-second commercials prepared for TV. In addition, campaigns try every means possible to get air time on news shows. This is the prime reason why press conferences are called and why "media events" are arranged. They are hardly for the benefit of newspaper reporters. Television debates and interview programs are also important, as are radio talk shows.

Those campaigns with limited funds for commercials have to work hardest to get television time. Often lawsuits are filed in initiative contests as much to gain publicity as to win an argument. In cases where there is a great imbalance of funds, television stations find themselves offering free time to the side with limited resources in order to comply with federal equal-time regulations.

Often, the television battle of slogans serves to confuse the voter. This year, could the unsophisticated Californian tell from the commercials whether a vote for Proposition 10 would be counted for or against rent control? Initiative campaigns are not very much different from campaigns for statewide office — except that overt partisanship is eliminated. The outcome is based more on the quality and effectiveness of the initiative campaign rather than on the merits of the proposal. Initiative campaigns are constructed to implant a simplistic message in the mind of the voter, not to make it clear what each measure would do.

The future of the initiative

Over the years, there have been many suggestions that California make it more difficult for initiative proposals to qualify for the ballot. At times when liberals are taking advantage of the Hiram Johnson reforms, it is the conservatives who want to weaken the initiative — and vice versa.

Legislators, even those who resent initiative campaigns as intrusions into the bailiwick of elected officials, are hesitant to place handcuffs on the initiative because of possible adverse reactions from their constituents. On several occasions in recent years, major reform plans have been introduced by influential lawmakers, but they rarely have gone past the hearing stages. The current success of the initiative has again prompted a series of pro-

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posals for change, but only the mildest of them appear to have any chance of passage.

The bill with the best chance of passage is AB 2180 by Assemblyman John Knox, who has been active for many years in the drive to place limitations on the initiative. The Knox measure would increase the filing fee for an initiative from $200 to $1,000. Under the law, the filing fee is refunded if the measure qualifies for the ballot. The five-fold increase is designed to reduce the number of initiatives proposed by those with virtually no chance of getting a substantial number of signatures. The filing fee has been $200 since 1943. The increase has been suggested by the legislative analyst's office to help the state cover the cost of preparing fiscal-impact analyses of each proposal.

Another relatively mild measure which would have no direct impact on the initiative process is SB 1412 by Senator John F. Foran. It would merely require the Legislature to conduct public hearings on any measure that qualifies for the ballot. Present law permits but does not require hearings on propositions.

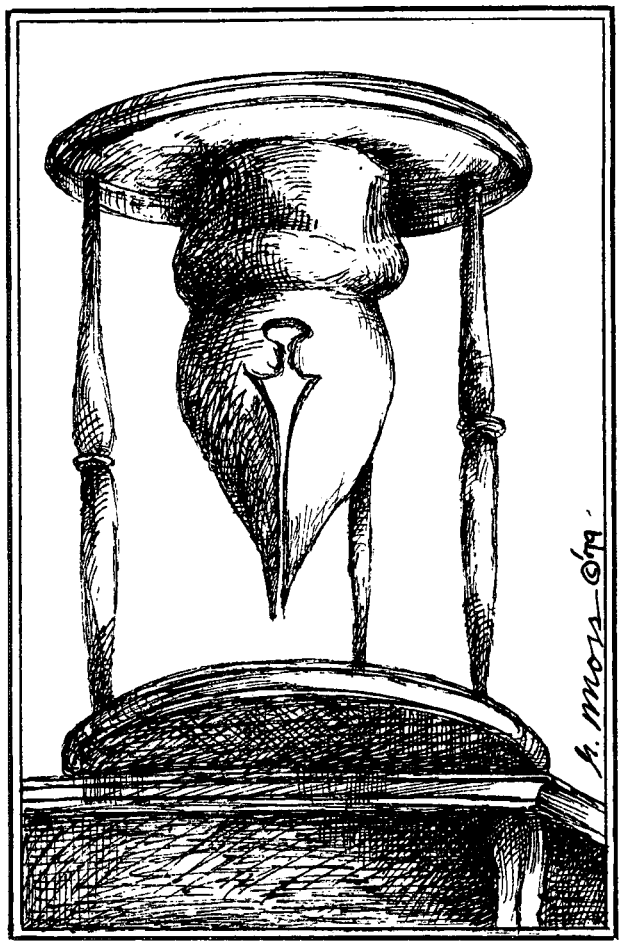
Senator Omer Rains has introduced a bill, SB 1910, limiting initiative campaign contributions and loans to $10,000. He points out that two years ago, a few tobacco firms spent millions of dollars to defeat a measure restricting smoking in public places. Rains' bill also would require clarifying identification of those contributing to proposition campaigns.

Initiatives over the years

	Number circulated	Qualified for ballot	Approved by voters	Rejected by voters
1912-1919	44	30	8	22
1920-1929	53	35	10	25
1930-1939	67	36	10	26
1940-1949	42	20	6	14
1950-1959	17	12	2	10
1960-1969	38	9	3	6
1970-1978	138	21	6	15
1979-1980	74	4	?	?

The state Fair Political Practices Commission has questioned the constitutionality of the Rains bill, pointing out that the United States Supreme Court has struck down a Massachusetts law limiting contributions to ballot measures.

By far the most far-reaching proposed reform was contained in the original version of ACA 58 by Assemblyman Knox. This proposed constitutional



amendment has been introduced by Knox in past sessions, and it was originally sponsored by the California Chamber of Commerce. It would have altered the initiative process in several ways:

The signature requirement would have been cut in half. Then the measure would be submitted to the Legislature, which would have one year to approve or reject the proposal. If the measure were not passed, the proponents could get as many signatures as required for the initial petition, and the measure would then go on the ballot. Here is how Knox explains the rationale behind the plan: "It would not in any way attempt to stifle the initiative process, but simply hold up an initiative long enough for the Legislature to conduct public hearings and bring all the facts to light." He adds that the purpose of the sponsors in some cases would be accomplished without the expense and uncertainty of an election campaign.

After it became obvious that there was substantial opposition to the plan, Knox amended his bill to keep present initiative procedures intact. However, proponents of a measure would have an option of submitting it to the Legislature.

It has become apparent that the Legislature is not about to place before the electorate any proposal that reduces the right of the people to write and enact their own laws. Californians like the initiative, and it is obviously here to stay.

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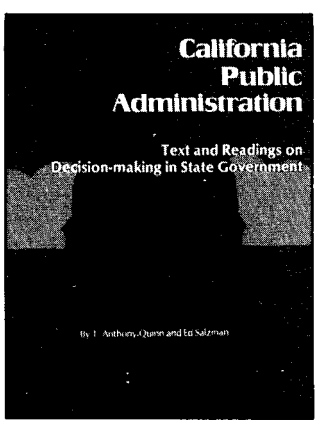
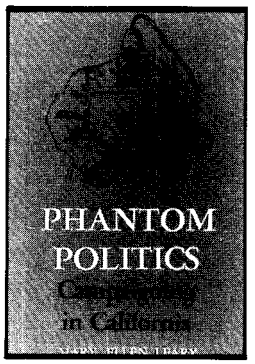
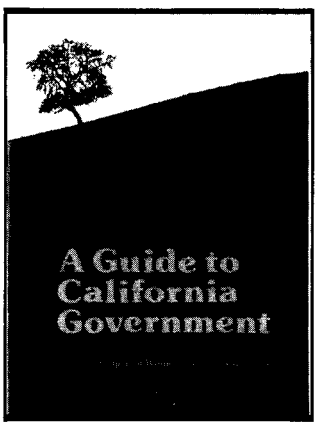
PUBLIC ADMINISTRATION IN CALIFORNIA, by T. A. Quinn and Ed Salzman. A new book describing the inner workings of state government with special emphasis on administrative agencies. Sections include top executives, regulatory agencies, the Legislature, the judicial system, education and bureaucracy. 1978. 8 ½ x 11 120 pages. $5.25 paper.



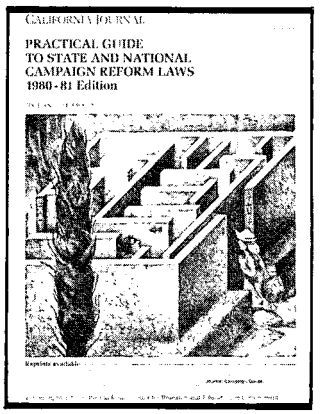


PHANTOM POLITICS: CAMPAIGNING IN CALIFORNIA, by Mary Ellen Leary. This book examines the relationship between the candidates and the media in the 1974 gubernatorial campaign in which Jerry Brown was first elected Governor. The author has covered national politics for over 28 years and is a frequent contributor to *The Nation*, the *Economist* and other publications. 1977. 5½ x 8½, 191 pages. $6.31 paper.



A GUIDE TO CALIFORNIA GOVERNMENT, by the League of Women Voters. The 11th edition of this book contains chapters on the voter and elections, candidates and political parties, the three branches of government, state agencies, state and local finance, local government, personnel and education. 1977. 5½ x 8½. 160 pages. $3.50 paper.

CALIFORNIA GOVERNMENT and POLITICS ANNUAL, 1979-80. Published every year, the *Annual* consists of reprints of *California Journal* articles covering the various branches of government, elections, political reform, lobbying, taxation, local government, the environment, business, health and welfare. The book also includes a "Practical Guide to California Government and Politics." 1979. 8½ x 11, 128 pages. $3.71



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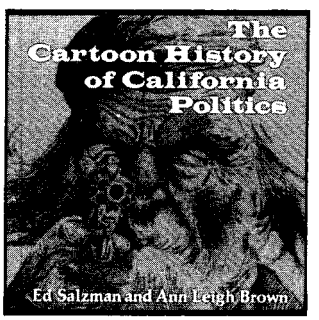

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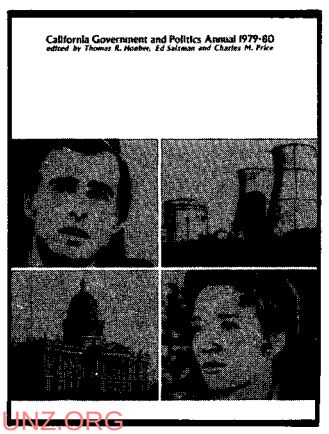
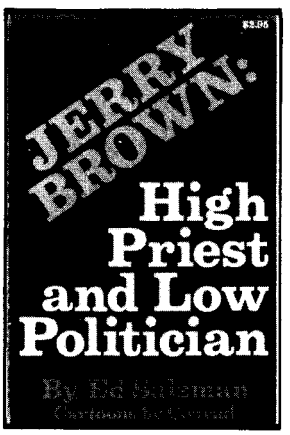
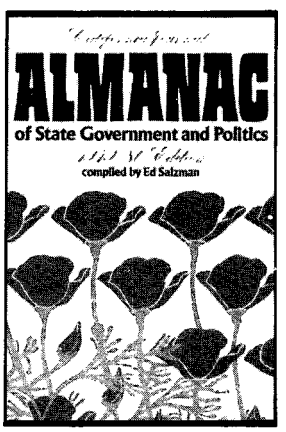


JERRY BROWN: HIGH PRIEST AND LOW POLITICIAN, Analyzes the phenomenal political ascent of Governor Brown, assesses his performance as the state's chief executive and speculates on where he goes from here. Contains some of the Governor's most quotable quotes, his first two state-of-the-state messages, a sampling of his pithy veto messages and photographs of the Governor in action. The author is the editor of the *California Journal*, and much of the material in the book first appeared in the magazine. The cartoons are by Paul Conrad of the *Los Angeles Times*. 1977. 5½ x 8½, 127 pages. $3.13 paper.





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The transformation of LA from an Anglo to a minority city

By Tony Quinn

About 200 years ago Spanish explorers founded a pueblo near the Franciscan Mission San Gabriel which they called Nuestra Señora la Reina de Los Angeles. During the next century English-speaking settlers drove the Spanish out and shortened the name to Los Angeles. Now the Spanish-speaking descendants are coming back.

High birthrates and massive migrations from Mexico are combining to push the Spanish-speaking/Spanish-surnamed population of Los Angeles to an all-time high. As a result, the past decade has seen an unusual and unexpected transformation of Los Angeles from an Anglo into a minority city, with Hispanics the dominant minority group.

When the Hispanic population is added to the growing number of blacks and Asians, they almost certainly form a majority of the people in the city of Los Angeles, and perhaps in the county as well. In addition, as fast as the minority populations have been increasing, whites have been leaving Los Angeles.

Everyone who has watched the transformation of Los Angeles is aware of the trend. Blacks are moving into formerly white neighborhoods, and whites are fleeing to the suburbs. New arrivals from Mexico move into some of the neighborhoods as blacks vacate them. But there are subtleties in the population shift, and they present a challenge to Los Angeles as it seeks to avoid the inner-city decay that has occurred in eastern cities when the whites move out.

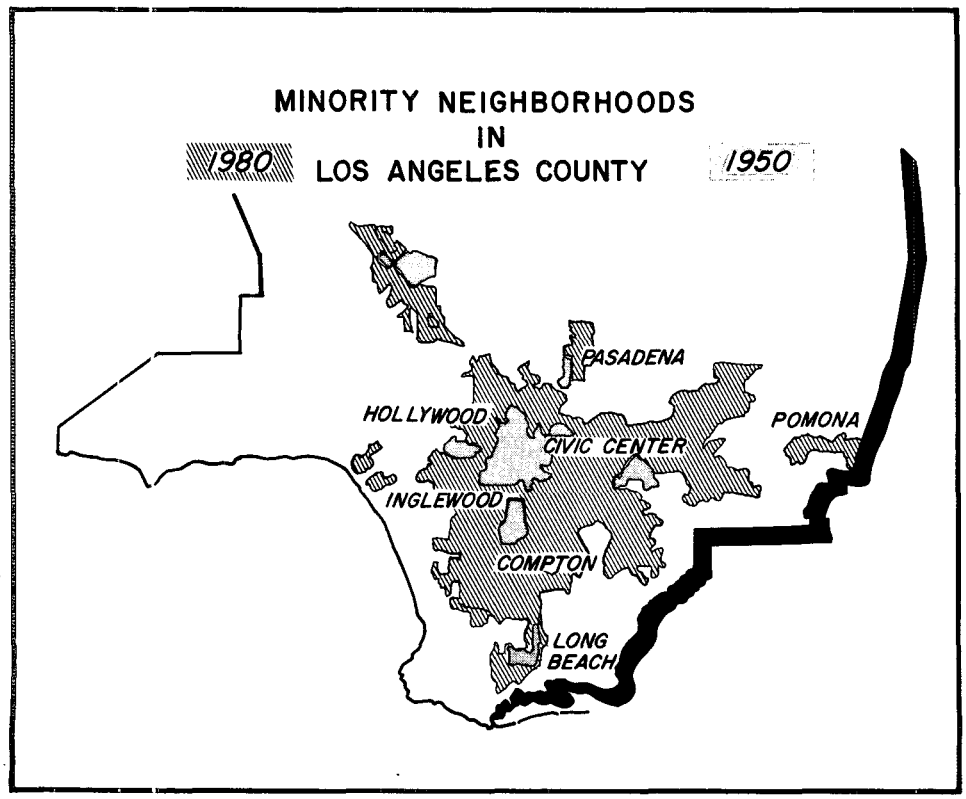
Tony Quinn is a free-lance writer in Sacramento and a frequent contributor to the Journal.

Change and growth

A recent study by the Los Angeles Community Development Department tells the story:

- In 1950 about 86 percent of Los Angeles County was Anglo, 5 percent black and 7 percent Spanish-surnamed.
- Just 10 years ago, the Anglo population was still a majority: 66 percent, with 12 percent black and 18 percent Spanish-surnamed.
- Today, the ethnic picture has changed radically. Only 49 percent of Los Angeles County is Anglo. Blacks constitute 16 percent; Spanish-surnamed, 29 percent.

These figures tell an even more interesting story when the percentages are converted to numbers. Data from the state Department of Finance shows that Los Angeles County has experienced almost no growth over the past decade. The official 1970 census figure for the county was 7,042,000; the current estimate is about 7,142,000, an increase of only about 100,000 persons. The city of Los Angeles has actually lost people, probably more than 100,000 in 10 years. Thus, the figures suggest that about 1.15 million whites have left Los Angeles County while 800,000 Hispanics and 300,000 blacks have come in.



MAP BY MICHAEL COLOZZI

The increase in black population is not as remarkable as that of the Hispanics. There is still some black immigration into California, and black birthrates exceed whites. But black population in California is not growing as fast as it did in the 1950s and 1960s. In 1970, blacks accounted for 7 percent of California's population; in 1980 they are about 8 percent.

Blacks in Los Angeles have been part of a significant change in housing patterns, however. The Community Development study showed that 30 years ago nearly all blacks in Los Angeles lived in Watts and in south-central LA. Now there are large black neighborhoods in Pasadena, the San Fernando Valley, Monrovia and Pomona. Blacks also have moved southward into Compton, now almost entirely black, and westward into Inglewood, which is more than 50 percent black. Indeed, the south-central section of the city is actually losing population as blacks move away from the inner city.

But as blacks have left that area,

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ILLUSTRATION BY CHRIS VAN OVERLOOP

new arrivals from Mexico have moved in. There are twin migrations of the Spanish-speaking in Los Angeles: from the central city eastward toward the suburbs and southward into formerly all-white, working-class communities, such as Maywood, Bell Gardens and Paramount. The Spanish barrio now covers most of the area from the downtown to Alhambra on the north, Baldwin Park and La Puente on the east, and Lynwood on the south. There are also significant Spanish-speaking populations as far west as Venice, and a growing Hispanic community in the San Fernando Valley.

The inevitable question

Most demographers attribute Hispanic population growth to high birthrates and illegal migrations from Mexico. The inevitable question arises: Just how many illegal aliens are there in California? There are almost as many guesses as there are numbers. At one time the national total was estimated to be as high as 10 million, but more recent studies have lowered this figure. A study released by the Census Bureau in February placed the number of Mexicans living illegally in the United States at no more than 3 million, and perhaps as low as 1.5 million.

Most of the Spanish-surnamed persons in Los Angeles are of Mexican descent. If the Community Development report is right and there are 800,000 more Hispanics in LA County than there were a decade ago, perhaps 300,000 of these are illegal migrants from Mexico. Los Angeles County accounts for one-third of California's population, but most people feel there is a higher concentration of Mexicans in Los Angeles than in the state as a whole. Extrapolating the Los Angeles figure statewide, there are probably no more than 750,000 illegal aliens in California; a large number, to be sure, but not the overwhelming population once estimated.

The illegal alien issue has become the political football of the 1980 census. Some Republicans have tried to prevent a census count of illegal aliens for redistricting purposes, fearing this would give Democrats added political power since the minority communities traditionally vote Democratic.

But the numbers really do not bear out Republican fears. For one thing, perhaps as many as half the illegal Mexicans in California live in rural communities where they swell the population rolls but not the voting rolls. Republicans do well in rural districts, and could benefit by the creation of more rural districts, a consequence of counting illegal aliens in those districts.

Both parties will be forced to accept certain political facts about Los Angeles. Los Angeles includes four predominantly Hispanic Assembly districts and two Senate districts, and a like number of black Assembly and Senate districts, although all are probably underpopulated. The courts have said that minority areas must have an opportunity to elect minority legislators; they cannot be divided for the benefit of whites, as was the redistricting pattern for many years.

Therefore, no matter how the 1981 districts are drawn, there will be eight predominantly minority Assembly districts and four Senate districts in Los Angeles. If the full number of illegal aliens is counted in central and east Los Angeles, the minority seats should fit into the minority neighborhoods.

If, however, illegals were excluded from the census count, some of these districts might be extended into Republican suburbs, in a way that would "waste" Republican votes without giving the GOP any hope of winning the seats. For instance, heavily Republican Marina Del Rey and Westchester are now in black districts, thus effectively disenfranchising those Republicans.

Republican redistricting strategists will no doubt want to place Republican neighborhoods in GOP voting districts, but that could be difficult if there is insufficient population for the central Los Angeles minority districts.

Vanishing GOP pockets

The biggest impact of the transformation of Los Angeles has been felt in the shifting of political power. Thirty years ago Los Angeles was a Republican town, and even 10 years ago there were still significant pockets of Republican voting strength in and near the downtown. Now all this is gone. The million-plus Angelenos who fled to the suburbs include a disporportionate share of Republicans. The total voter registration for the county was actually less in 1978 than it was in 1970, down by some 25,000 voters, but the number of GOP registrants was down even more, by 200,000. Statewide voter rolls grew by 1.4 million and the number of Republican voters outside Los Angeles grew by 200,000.

Partisan totals, however, tell only part of the story. In 1950 there was only one minority legislator from Los Angeles, Assemblyman Augustus Hawkins, the major black politician in the county. Today there are six black legislators, two congressmen, including Hawkins, a black county supervisor, three black LA city councilmen, and Mayor Tom Bradley.

While black political power has grown in Los Angeles, this has not been the case with Hispanics. Although current figures suggest there are twice as many Spanish-surnamed residents in Los Angeles as blacks, there are only four Hispanic legislators and one congressman. What is most frustrating to Hispanic activists is that there are no Hispanic LA city council members or supervisors, although the Community Development study indicates that at least five councilmanic districts have substantial concentrations of Spanish-surnamed residents.

Analysts attribute the failure of Hispanics to exercise political clout equal to their numbers to several factors: large numbers of non-citizens, language difficulties, and the lack of tradition of political participation in Mexico. Blacks, they point out, have a tradition of voting that stems from the hard-fought battles for political rights in the old South. This is not the case with the Spanish-surnamed population.

But change is coming, albeit slowly, as the barrio expands. Ten years ago there was only one legislator of Mexi-

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can ancestry in Los Angeles; now California has six. A second Hispanic congressional seat is a possibility following 1981 reapportionment. Indeed, a major battle of 1981 redistricting will be over line-drawing in minority areas.

Thomas Hofeller, reapportionment expert at the Rose Institute in Claremont, who just completed a court-mandated redistricting of the Mississippi Legislature to increase black representation, points out that court rulings in the past decade make it unconstitutional to fractionalize minority neighborhoods to re-elect white incumbents.

Assistant U.S. Attorney General Drew Days told state legislators last winter, "Those who draft redistricting plans have an affirmative obligation to fashion plans that allow minorities a fair opportunity to elect persons of their choice. Voting rights of minorities are to be given special deference in the political process." Days went on to note that the federal government would object to reapportionment plans which dilute the minority vote by combining minority neighborhoods with white neighborhoods in ways that guarantee the election of white candidates only.

Some bad news

This could be bad news for some Los Angeles incumbents whose districts are drawn just this way, and it is the Democrats who have to worry when this standard is applied. Five white legislators and two congressmen — all Democrats — occupy seats with large minority populations. The only GOP legislator with a large minority population is Assemblyman Paul Bannai of Gardena, who is of Asian ancestry.

Population changes indicate that Los Angeles will lose three Assembly districts and a Senate and a congressional district in reapportionment. The betting is that these white incumbents will be among the losers.

The minority population explosion in Los Angeles has less effect on the state as a whole. While Los Angeles growth has remained static over the decade, the state has grown by 3 million persons, almost all of this in the white suburbs.

Some studies suggest that California will be a "third-world" state by the year 2000, and a study commissioned by former Lieutenant Governor Mervyn Dymally said the non-white population may exceed 50 percent by 1990. That, however, is going a bit far. Although completely accurate figures for minority population are not available from the 1970 census, most estimates placed the mix at that time at 75 percent Anglo, 15 percent Hispanic, 7 percent black and 3 percent Asian and others.

A 1976 Department of Finance study put the figures at 72 percent Anglo, 16 percent Hispanic, 8 percent black and 4 percent other. A good estimate for today is about 70 percent Anglo and a projection of 65 percent Anglo by 1990. If California ever becomes a "third-world" state, that event is likely to occur well into the next century.

But there is no doubt which way the trends are going. The huge migration of southern blacks into California, which began with the war and ran until the Watts riots, has virtually ended. It is speculative whether migrations from Mexico will continue at their current pace. However, non-white birthrates are running at a higher rate than white birthrates, and the average age of minority persons is well below that of whites. It seems clear that minority populations will continue to grow, although by just how much is uncertain.

There is concern that the 1980 census count now under way will fail to find all the minorities, and thus they could be short-changed in the apportionment of legislative districts and the government programs that follow from the census. The Census Bureau admits a serious undercount of blacks and Mexican-Americans in 1970. There is a feeling this may happen again in 1980, particularly if illegal aliens refuse to participate in the census count.

But there is not much doubt what the overall figures will show. As New York claims more Italians than anyplace but Rome, and Chicago more Poles than anywhere but Warsaw, the population of Mexican ancestry in Los Angeles is likely to be exceeded only by that of Mexico City.

Significant Court Actions

Footnote power

Does California have a constitutional death-penalty law? You could never tell from recent decisions of the state Supreme Court.

In a complex decision 10 months ago, it appeared that the court upheld the death penalty statute as constitutional, partly on the basis of a change in position on the part of veteran Associate Justice Stanley Mosk. But recently in reversing a death sentence, a court majority made it clear that the issue of constitutionality had not yet been decided — even though the basic law is three years old. In *People* v. *Greene*, Mosk wrote a footnote stating that the constitutional issue "is still open." He was joined by Chief Justice Rose Elizabeth Bird and Associate Justices Mathew Tobriner and Frank Newman.

Subsequent to the filing of that case, the Court of Appeal in San Francisco, in a 2 - 1 decision, ruled unconstitutional part of a 1978 initiative increasing the range of crimes for which capital punishment could be imposed. In this case, the court found "unconstitutionally vague" language authorizing the death penalty for murders that are "especially heinous, atrocious, or cruel, manifesting exceptional depravity."

Other important court rulings affecting California:

- In *Woodland Hills* v. *City Council of Los Angeles*, the state Supreme Court declared that city council members may vote on development matters affecting individuals who have contributed to their campaigns. Wrote Associate Justice William Clark: "Political contribution involves an exercise of fundamental freedom protected by the First Amendment of the United States Constitution."

- The Supreme Court let stand an appellate ruling that police must cease questioning a suspect who asks to see his mother. The decision invalidates a confession made by Willie Edward Level, a Bakersfield man convicted of second-degree murder. The appellate court majority, in extending the *Miranda* rule to the *Level* case, said the suspect was exercising his right to silence just as he would be doing had he asked to see his attorney.

- In a 6 - 1 decision, the Supreme Court ruled in *Metromedia* v. *San Diego* that billboard owners must be compensated for signs that are ordered removed from federal highways by local officials.

- Federal District Judge Manuel Real ruled that three nuclear safety laws enacted by the Legislature in 1976 are unconstitutional. The decision is being appealed by the state Energy Commission.

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An unprecedented survey of Spanish-surnamed Californians

By Ray Gonzales

The data being collected in the 1980 census should provide a great deal of demographic information on Californians with Spanish surnames — but not until 1982 when all the calculations are completed. Meanwhile, a survey of Spanish-surnamed Californians has confirmed some conventional wisdom about the state's large Hispanic population and shattered other myths. Here are some of the findings of the telephone survey of 400 Spanish-surnamed Californians conducted at the end of March:

- ***Cesar Chavez*** is the best known Hispanic in the state. But the farmworker issue is viewed as important by only 9 percent of those interviewed.
- ***As might be expected,*** 90 percent of Hispanics are registered Democratic.
- ***Ted Kennedy*** was favored only slightly over Jimmy Carter, 42 to 36.
- ***The nation's economy*** is the top issue among Hispanics (68 percent).
- ***Only two state legislators,*** Senator Joe Montoya and Assemblyman Art Torres, had enough name recognition among Hispanics to make a showing — 2 percent each.

The survey is perhaps the first of its kind conducted in the state. It was done by a crew of bilingual survey takers working under the direction of International Technical Services, a Hispanic consulting firm based in Sacramento. While the margin of error may be as high as 8 percent, the findings leave little doubt that Hispanics in the state share some convictions that make it difficult to peg the community as either liberal or conservative.

Busing opposition

For example, while 90 percent of those surveyed professed to be Democrats, 82 percent were opposed to the busing of school children for the purposes of integration. Instead, they favor the concept of neighborhood schools and the use of bilingual education in the classroom. Eighty percent support bilingual education, a clear turn-around from previous surveys on this issue.

ILLUSTRATION BY LEE JUDGE

On other issues, Hispanics generally opposed the Jarvis II initiative, Proposition 9. A clear majority of 66 percent opposed the income tax-cutting proposal while only 20 percent supported it. By contrast, Hispanics supported Proposition 13 at the polls by 65 percent in 1978. Since Californians making less than $10,000 a year pay little or no personal income tax, and since the average family income of Hispanics is about $10,000 a year, the Jarvis initiative to cut income taxes in half seems to have little appeal.

A surprising 64 percent of Hispanics also opposed strikes by public employees such as teachers, police, firefighters and state employees. This may be the result of the limited number of Hispanics among this group of civil servants, less than 8 percent statewide. Additionally, their late invitation to join the traditional labor movement may have some effect. For years Hispanics were virtually excluded from membership in the skilled crafts unions which formed the backbone of the AFL-CIO. Thus, it is not surprising that Hispanics are not in total sympathy with the labor movement, even in the public sector.

When asked what is the most critical issue facing the country in this election year, survey respondents picked "the state of the economy" as a clear first choice. Respondents were asked to rank the three most important issues from a list of eight. The economy scored 68 percent, followed by "the quality of education" with 48 percent and "the cost of fuel" with 42 percent. More than 90 percent listed the state of the economy among the top three. With the exception of the education issue, these findings conform with both state and national polls indicating that Americans view the economy and the fuel crisis as major issues.

Hispanic respondents then bunched "unemployment," "the Middle East crisis," and "crime in the streets" in a grouping too close to distinguish for fourth place at 36 percent.

Ray Gonzales is a member of the state Public Employment Relations Board and a former member of the Legislature.

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Hispanics viewed "U.S. relations with Mexico and Latin America" and "the rights of farmworkers" as of least importance, ranking them seventh and eighth, respectively, in the list of issues. Only 9 percent viewed the farm labor issue as significant while 21 percent viewed as important U.S.-Latin American relations. It would appear that the economy, fuel and Iran are lumped together as almost a single issue in the minds of the respondents, while the supposedly Hispanic concerns of farm labor and Latin American relations are presently less worrisome to them.

Kennedy and Brown

The Kennedy name still appears to be revered in the Hispanic community, but not to the extent it was when John and Robert were alive. More surprising is the fact that Governor Jerry Brown, in spite of his numerous appointments of Hispanics to the courts and state government, received only 9 percent support as a presidential contender.

Perhaps one of the most revealing results of the survey is the absence of leadership in the Hispanic community. When asked to identify Hispanic leaders in the field of politics and government, a list of names was provided. Only Mario Obledo, secretary of the state Health and Welfare Agency, and Julian Nava, recently named ambassador to Mexico, made a respectable showing. These two were the only Hispanics in the category of government that could be considered to have statewide name recognition, Obledo with 12 percent and Nava with 10 percent. Other officials such as legislators Art Torres and Joseph Montoya gained some name recognition on the strength of the results of their home districts.

In the category of labor and business the results were similar. While Cesar Chavez' name was recognized by 88 percent, there was not one other person in business or labor that had enough name recognition to register a single percentage point.

In educational leadership, response was also low. With the exception of Nava in the Los Angeles area and former Assemblyman Ray Gonzales in the San Joaquin Valley, their home bases, all others mentioned did not register enough support to score even one percentage point. Nava garnered 12 percent statewide and Gonzales 3 percent.

In the category of art and literature, no single Hispanic registered a single percentage point. Such names as Goya, Picasso and Diego Rivera were given. Only in sports and entertainment were there many winners. The television show "Fantasy Island" earned the top entertainer award for Ricardo Montalban. He was followed by Erik Estrada, Lee Treviño, Nancy López, Vickie Carr and even old-timer Pancho Gonzales.

In a final question of those surveyed, the respondents were asked to identify the most serious problem confronting Hispanics in California. The result was a virtual tie between "lack of political representation" and "poor educational opportunity." And though this view might sound heretical, higher education for Hispanics might not be the entire answer to political awareness. The same set of questions presented by telephone to a random sample statewide was given to 100 Hispanic educators by mail. In virtually every area the results were the same.

What is especially interesting is that, although the educators had the advantage of answering the questions in writing and with more time to consider them, they drew as many blanks in naming Hispanic leaders as did persons answering by phone. It would appear that the educators were as enchanted by "Fantasy Island" as were other survey participants. Montalban was a runaway winner among this group as well.

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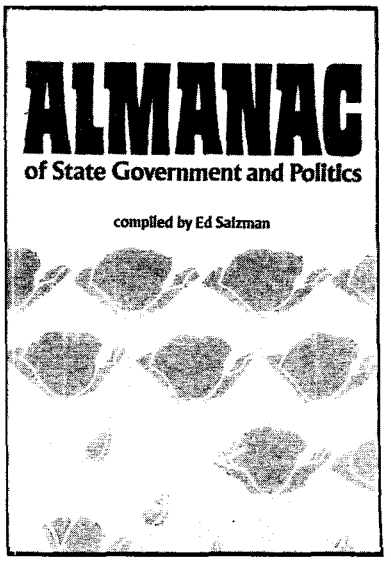

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League of Women Voters - 60 years improving government

By Laura Remson Mitchell

Sixty years ago, when American women finally won the right to vote, there was an organization waiting to inform and encourage them: the League of Women Voters. Today, the League is still doing the same job — but with some variations in style and some modern-day problems that the early suffragettes didn't envision.

One significant change is in the membership: Since 1974, men have been allowed to join and, in California, more than 300 have. Techniques of education have changed, too. The League may be best known nationally for its sponsorship of televised presidential debates, a far cry from the pamphlet-passing on street corners used in earlier decades.

And as the League has trained women for the political game, it has lost dozens of leaders who moved on to elected office. A recent statewide poll showed more than 600 former and present League members serving in elected or appointed office: on city councils, boards of supervisors, commissions and boards of special districts. One alumna is Assemblywoman Marilyn Ryan, who first left the state League board in 1973 to run for city council in Rancho Palos Verdes. Other members or ex-members include Los Angeles City Councilwomen Pat Russell and Joy Picus, San Jose Mayor Janet Gray Hayes, Sacramento County Supervisor Illa Collin, Sacramento council members Anne Rudin and Lynn Robie, Torrance Councilwoman Katy Geissert and Rancho Palos Verdes Mayor Ann Shaw.

But the League was not designed as a training ground for would-be government officials. Its main job has always been to promote informed and active participation in the political process, and to take action on selected issues. Sometimes that action creates controversy, such as when the League opposed Proposition 13 in 1978.

Laura Remson Mitchell is a free-lance writer based in Canoga Park.

Despite their long involvement in issues, League members often meet people who seem shocked to learn that the group even takes positions on legislation or ballot propositions. Other people are certain that the League endorses candidates (it never does) or that the League will tell them whom to vote for (it won't). The League is strictly nonpartisan, although individual members remain free to work on campaigns.

A history of tenacity

The League emerged from one of the most tenacious groups in American political history — the woman's suffrage movement. It took 72 years from the first Woman's Rights Convention in 1848 until the 19th Amendment to the U.S. Constitution was ratified in 1920, thereby giving women throughout the country the right to vote. (In California, women had won the right to vote in 1911.) It was in 1920 that the League held its first national convention.

For Billie Scharff, a League member in the San Fernando Valley section of Los Angeles, the League's roots are more than words in a history book. "(In) 1913, the day before (Woodrow) Wilson was inaugurated, (we) had a suffrage parade in Washington," she recalls. "We were mobbed. We were pinched and shoved and pushed around. Pleasantly — I mean, it wasn't like the way they would (do things) now. They didn't throw bombs or anything like that, but they just shoved us around and made fun of us." As a child, Scharff met some of the most prominent women in the suffrage movement, including Carrie Chapman Catt, who first suggested forming a League of Women Voters.

Once women had the right to vote, the League began branching out. The current California League program includes such diverse action items as campaign financing, the state constitution, taxation, the justice system, voting rights, education, housing and several natural resource

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management and planning issues. There are also local, regional and national program items. And League members always seem to be undertaking new studies — frequently anticipating issues that later become hot topics. The current state study, for example, examines state-local government relationships, including a survey of Proposition 13 effects.

The League's visibility varies with its involvement on controversial issues. After all, working for goals like a shorter, simpler state constitution doesn't have much political sex appeal. But most people are aware of the League's involvement in what League members call "voter service." The League gained nationwide attention in 1976 when it set up debates between presidential candidates Gerald Ford and Jimmy Carter, and it hopes to sponsor debates again this year. In 1978, the California LWV arranged for gubernatorial debates between Jerry Brown and Evelle Younger. The League's citizen-education efforts also include candidates' forums, speakers' bureaus on ballot measures and books and pamphlets on the structure and operation of government.

Four employees, two problems

All this is quite a job for a group with a statewide membership of only about 12,000, a 1980-81 state budget of about $250,000, and the equivalent of only four full-time employees working in the main state office in San Francisco and in the League legislative office in Sacramento. It's true that each of the more than 80 local and regional Leagues in California also has its own budget, but local budgets must cover payments to other levels of the League as well as the cost of local activities. Only a few local budgets allow for any paid employees at all.

How, then, does the League do all the things it does? "There's a terrific amount of commitment from volunteers," says California LWV President Susan Rice. Nevertheless, the League is facing two serious problems — declining membership and insufficient funds. The membership drop is a situation that most nonprofit organizations are experiencing, according to Rice: "I think it's symptomatic of what's going on in the nation. Politicians are distrusted, there are special-interest groups arising, and people want a quick fix. And there aren't quick fixes to (today's) problems."

Rice doesn't expect the membership decline to continue for long, but finding the money that the League needs to pursue its activities may pose more lasting difficulties. Compounding the problem is the fact that more women are taking jobs, leaving less time for volunteer activity. In order to continue providing the kind of community service the League has offered in the past, Rice says, it may become necessary to offer small fees for some of the work, because there won't be enough volunteer time to handle it all.

Where will the money come from? Annual dues in California range from $15 to $25, with the exact amount being set and collected independently by local Leagues. Higher levels of the League receive some funds from the local Leagues, but dues are paid only at the local level. The League is increasingly looking for corporate, foundation or other donations, but because part of its activity involves trying to influence legislation, contributions to the League itself are not tax-deductible. That's where the League of Women Voters Education Fund comes in. Projects and publications approved by the Education Fund are purely informational, so contributions to the fund are tax-deductible.

League people are learning how to finance their citizen-education efforts by submitting project proposals to the Education Fund. "It has taken us awhile to develop the skill of translating the things we're doing into the proposal format," Rice says, but it's being done more and more.

Education Fund projects have included the 1978 gubernatorial debates and a resulting publication, *Face the Public: A Manual on Televised Political Debates*. Another Education Fund project utilized a Picturephone hookup between Los Angeles and Washington, D.C., to permit leaders of 12 Eastern and Midwestern state Leagues to discuss tax-and-spending limitations with specialists in the field from the California LWV.

Education Fund money is not the answer when it comes to League action, however. Nevertheless, Rice believes the League will continue to be very active in pursuing its goals. "I think that California needs us (now) more than ever. We're trying to focus discussion on issues that we don't think the Legislature has dealt with sufficiently." But there may have to be a change in emphasis, she says. "I don't see that we'll become less active; we will just take action on fewer bills."

It's too soon to tell whether the League's heavy involvement in the unsuccessful fight against Proposition 13 will affect corporate donations. League members can point out that donations made through the Education Fund have nothing to do with the League's action on legislation or ballot measures, but that may not satisfy a prospective donor who is angry about some League stand. For example, there are indications that the state LWV's support of Proposition 11 on the June ballot (the oil profits tax initiative) may have cost the League some donations from oil companies.

A two-way channel

Much of the burden for League action on legislation falls on the shoulders of Margaret Herman, the state LWV's legislative advocate in Sacramento. Herman is officially a part-time employee, but she frequently supplements her paid hours with volunteer time. "I look on my job as a two-way channel of communication — keeping the Legislature informed about League positions, and keeping the League members informed about what the Legislature is doing," says Herman.

The League's legislative advocate since January 1973, Herman says that part of the League's legislative effort is to be a model for other citizens' groups who want to be involved in government. "Contract lobbyists measure effectiveness in terms of how many bills they were able to have passed or killed," Herman says. "I don't think that's the way to measure the League's effectiveness."

Using the contract lobbyist definition, however, Herman estimates the League has been successful about half the time. But, she says, managing to get an important bill amended "may have been more effective than (success on) a hundred other little bills."

Herman is particularly proud of the League's role in assuring public information about issues and negotiating positions involved in collective bargaining with public employees. The League also played a part in opening legislative conference committees to public scrutiny.

At the local level, where many think the League is most effective, LA Councilwoman Russell has seen a change over the years in officials' attitudes toward the League.

"It used to be that the council members would sneer at the League," Russell recalls. "When I had to appear for the League, why I was gaveled to silence and told that was the end; I couldn't say anything else. There would be individual members of the council who were understanding, but it was pretty rough with others." For example, Don Lorenzen, Picus' predecessor on the council, would call it the "Plague of Women Voters," Russell says. "It was after she (Picus) ran against him the first time, and he was really mad at her."

Looking at the League now from the perspective of an elected official, Picus says she is sometimes frustrated by what she sees as the group's unwillingness to accept certain politicial facts of life. "On the other hand," she says, "who's to stand up for good government if the League of Women Voters turns practical?"

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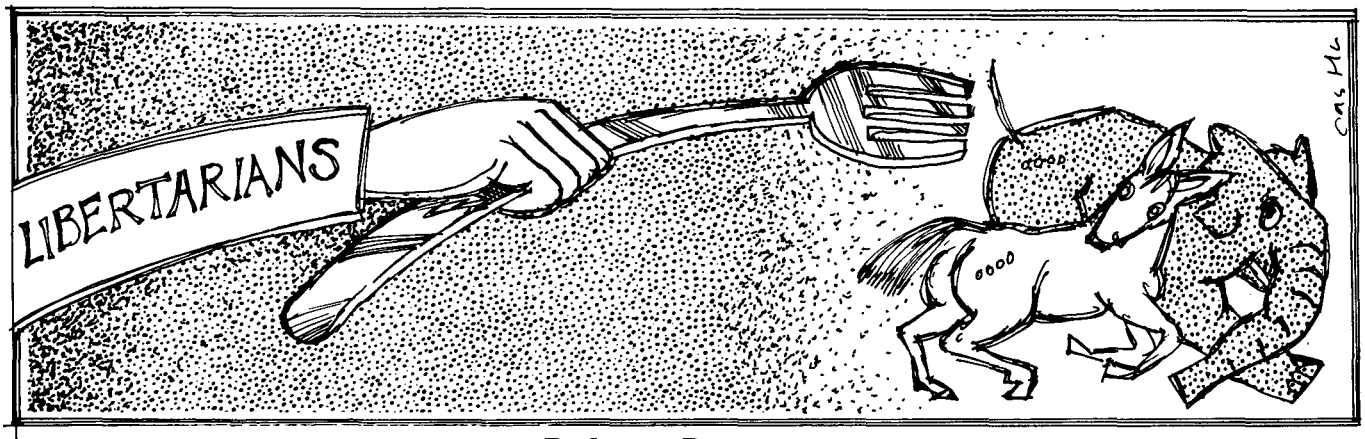
Here come the Libertarians, but at the expense of which party?



By LARRY PETERSON

At least in theory, the name Libertarian Party is a contradiction in terms. For years, small-l libertarians have inveighed against both politics and government. Their considered judgment has been that people would be better off not to vote at all. It was in dead seriousness that one of them started something called the League of Non-Voters. Their fall-back position has been that voters should at least be given the option of casting their ballots for "none of the above."

This year, all of the above is — in the words of a flack for an ex-president — "inoperative." In the June primary, more than 100 California members of the fledgling Libertarian Party sought offices ranging from county supervisor to president of the United States. The LP hopefuls included 50 candidates for state Assembly, 34 for Congress, 14 for the state Senate, one for a (non-partisan) Butte county supervisorial post, one for the U.S. Senate and one for the presidency. In all but two of the 100 partisan contests, the LP candidates will be on the November ballot because they were unopposed in the primary.

Whether they win or lose, this lineup of Libertarian candidates is graphic evidence of just how far the state's party has come since it was formed in 1972. The California organization followed closely the national LP's founding conclave in Denver, which drew a motley assortment of 86 activists. That year the national party drafted a Californian, University of Southern California philosophy professor John Hospers, as its write-in candidate for president. He got 5,000 votes.

In the years that have followed, the LP has gradually earned the right to be taken seriously among the country's would-be third parties. In 1976, the party's presidential standard-bearer, Roger MacBride of Virginia, drew 171,000 votes. In 1978, the LP actually elected a state legislator in Alaska and rolled up 1.3 million votes in various elections throughout the country. Some 378,000 of those ballots were cast in California for the LP's gubernatorial candidate, San Marino attorney Ed Clark. In addition, Costa Mesa lawyer David Bergland, MacBride's 1976 running mate and currently serving his second term as LP national chairman, got 13,000 votes in an Orange County state Senate race.

Last fall at the LP national convention in Los Angeles, the party picked Clark as its 1980 presidential nominee. But even more significant for the California LP than Clark's nomination was the six-month voter registration drive that put the party name on the state ballot and on the state's political map. Until then, the party had been forced to devote nearly as much effort to getting its candidates on the ballot as to campaigning for them. The problem was that the LP lacked sufficient voter registration to be listed on the ballot as an official party. In 1978, the party had to round up 114,000 signatures to get Clark on the ballot and tens of thousands more for Bergland and a handful of other candidates.

Getting on the ballot

After the election, the LP seized on the fact that Clark won 5.5 percent of the statewide vote in an attempt to take advantage of a California election law provision that a party can qualify for the ballot if one of its statewide candidates gets 2 percent or more of the vote. But the secretary of state ruled — and the courts so far have agreed — that the 2 percent provision applies only to parties that already have qualified for the ballot by getting the required number of registrations.

So late last June, the party set out to boost its voters signup from 8,000 to the 71,233 it needed for an official place on the ballot. Although strong efforts were made in San Francisco, Los Angeles and San Diego counties, the beachhead for the effort was Orange County. The LP office there accounted for almost half of the new registrations which topped 84,000 in January.

In at least one sense, the term beachhead must be taken literally. Although there were some door-to-door and shopping-mall efforts and work at rock concerts, parties and drive-in movie lines, the big push was in the beach areas. The payroll for the LP's registration platoons totaled about $175,000, about half of it from Wichita industrialist and LP patron Charles Koch, brother of New York businessman

Larry Peterson is a political writer for the Orange County Register.

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David Koch, Clark's 1980 running mate. As foot soldiers in the LP invasion of the California body politic, the party recruited scores of young people. Most of this corps — paid up to $1.50 per registration — were 18 to 24, attractive, and learned quickly that they got best results by directing their pitches at young people of the opposite sex. Using arguments against drug laws and the draft, most of the LP troopers made their registration conquests look easy.

But at least a few registrars may have bent the rules. More than 2,000 registration-confirmation cards sent out by county registrars of voters were returned as undeliverable because the "voter" didn't live at the address listed on the form, or the address didn't exist. Even after allowances for honest mistakes and postal errors, official investigations in San Francisco and Orange counties established that at least a half-dozen party employees boosted their pay by turning in hundreds of phony registrations. In other instances, underage persons — some as young as 14 — showed up on the registration rolls. Other registrants turned out to be long-deceased and some of the live ones said they were told they were signing pro-marijuana petitions. No charges of fraud were filed against the party or its leaders, and most authorities chose instead to believe its claim that it was the victim, not the perpetrator, of rip-offs.

Broadening the appeal

Despite such startup problems, the party proved in 1978 that it can appeal to far more voters than the number on its registration lists. Yet gubernatorial candidate Clark did best in 1978 in the areas in which the registration drive was most successful, so it is reasonable to believe that they are the most promising areas this year.

Clark, apparently well on his way to amassing a $500,000 war chest, has predicted that he'll get as many a 1 million votes in California in November. Dan Wiener of Simi Valley, immediate past California LP chairman, and current chairman Jack Sanders of San Diego predict that LP candidates could get up to 30 percent of the vote in a few legislative races, because in isolated cases the LP standard-bearer is the only alternative to the Democrat or Republican incumbent. Neither Sanders nor Wiener is predicting victory in any race, so the LP candidacies may be important mostly in terms of how they may affect the outcome of the contests between major-party opponents.

Perhaps the LP's best chance to make waves is in San Francisco's 5th state Senate District, to which liberal Republican Milton Marks is seeking re-election. Marks, who has defied massive Democratic registration margins since 1967, won by fewer than 7,000 votes in 1976. LP registration in the district is more than 8,000, only 3.2 percent of the district's voters. But the Libertarian candidate is LP northern executive director Eric Garris who was campaign coordinator last year for a measure to abolish the city's vice squad. That proposal drew 37 percent of the vote. Garris also led the fight for a non-binding pro-marijuana measure that garnered 57 percent of the vote.

Here are other races where the Libertarian vote may make a difference:

- ***Unaccountably, the LP*** failed to field a candidate in Orange County's 73rd Assembly District, where the party's registration is more than 8,000. Incumbent Democrat Dennis Mangers won by about 9,000 in 1978, but since then his party's 1978 registration bulge in the district has eroded from more than 8,000 to less than 5,000. The LP may attempt to qualify a candidate by a write-in effort for the primary.
- ***In the 71st Assembly District,*** the LP candidate, Cypress College professor Devon Showley, could make a difference. The incumbent there, Democrat Chet Wray, won by 9,000 votes in 1978, but he is a major GOP target this year and the Democratic voter registration advantage has shrunk slightly. LP voter signups total more than 3,000 in the 71st District.
- ***There are more than*** 3,300 LP voters in Los Angeles County's coastal-area 27th Congressional District, to which Republican Robert Dornan, an arch-conservative, was re-elected by less than 2,600 votes in 1978. The Democratic voter registration edge in the district has grown from 7 to 8 percent since 1978. That's not enough to put the district in the Democratic column, but that, combined with the votes that could be attracted by Libertarian Jerry Sievers, could point in the direction of another close contest.
- ***In Los Angeles County's*** 19th state Senate District, there are only 1,200 registered Libertarians, but that is almost twice the margin by which Republican Lou Cusanovich won the race in 1976. Cusanovich's retirement has created an open seat and another potentially close race, so LP candidate Carl Stiffler could complicate things this year.

The question remains: Where do the LP votes come from? In San Francisco, they are likely to be drawn from Democrats and from the 5 percent who voted in 1978 for the candidate of the Peace and Freedom Party, which has declined in voter registration in recent years. In Orange County, both registration trends and spot checks of 1978 voting patterns suggest many LP voters are those who otherwise probably would vote for the GOP nominee. So it may be premature to predict who would lose the most from LP gains.

"Somewhere along the way," said former Minnesota Democratic Senator Eugene McCarthy at the LP national convention last year, "a movement has to become a political party. And once it does, it involves some compromises around the edges, and this becomes a challenge."

The Libertarians have satisfied those responsible for enforcing California's election laws that they are a bona fide political party. Next they must convince the voters. The party thus far has resisted compromise on issues it regards as matters of principle. (See box.) But as its candidates threaten to claim larger and larger shares of the vote, the time for compromise which McCarthy spoke about may be near.

What Libertarians believe:

At least in current political terms, the Libertarian Party is against almost everything. It opposes laws against gambling, abortion, suicide, hard narcotics traffic and prostitution. It rejects every form of control except self-control. The LP wants to abolish the FBI, CIA, FCC, FTC, TVA and most other agencies and activities of the federal government. One notable exception is ERA — the Equal Rights Amendment — which the party supports.

The LP wants to do away with the U.S. Postal Service and compulsory education. It supports U.S. withdrawal from the United Nations and the pull-back of all American forces from overseas posts.

The LP also demands the relaxation of all trade and immigration barriers and wants to sell off all U.S. government properties. As the LP sees it, individuals should be in charge of their own defense, foreign and domestic. They believe that the vacuum created by the demise or at least decimation of the state could be filled by various businesses, private security companies, insurance agencies, and a new and somehow disinterested class of professional arbiters.

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The adult-penalty crackdown on the state's juvenile criminals

By STEVEN PRESSMAN

ILLUSTRATION BY CHRIS VAN OVERLOOP

More than 20 years ago a group of judges reported to the National Council on Crime and Delinquency that the nation's juvenile justice system should be "therapeutic and preventative rather than retributive and punitive, a viewpoint designed to preserve the child's self-respect and spare him the permanent handicap of a criminal record."

But today, with an alarming percentage of violent and serious crimes being committed by juveniles, the theory expressed in that 1957 report is being severely challenged by legislators, judges, prosecutors and even some defense lawyers and social workers. Public attitudes have hardened toward the treatment of youths who wind up in the courts for their criminal activity.

In California, legislative attempts to crack down on juvenile crime resulted in passage last year of SB 840, authored by Democratic Senator Ruben Ayala of San Bernardino. Ayala's bill, which went into effect January 1st, makes it considerably easier for 16- and 17-year-olds who commit a wide range of serious crimes to be tried in adult criminal courts. California is just one of several states that have taken steps recently to toughen up juvenile-offender laws. The New York Legislature, for example, recently lowered to 13 the age at which a youth can be tried as an adult.

Steven Pressman is a reporter for The Los Angeles Daily Journal.

The CYA critics

Much of the criticism in California has been aimed at the State's Youth Authority which is responsible for housing and treating juveniles referred to the CYA by the courts. Critics of the CYA say the agency has been excessively lenient with some juveniles who have committed serious and sometimes repeated offenses. That, in part, explains the Legislature's desire to make it more likely that a juvenile charged with a serious crime will be tried as an adult. Says one deputy district attorney: SB 840 "puts young offenders on notice that they face punishment in line with the gravity of crimes they commit."

But even the juvenile courts are re-examining their traditional reliance on treatment and rehabilitation rather than on punishment. While few juvenile court judges say publicly they have given up on rehabilitation, they make it clear that punishment is a consideration when disposing of juvenile crime cases. "If you disregard the offense and focus on the juvenile's need, then the treatment program may have no relation to the offense, at least in terms that the community really understands," says Los Angeles Superior Court Judge Richard Byrne, who presides over that county's juvenile courts.

Citing an example, Byrne says it is entirely possible that a youth arrested for petty theft could end up spending five years in a CYA facility, while another who commits murder could go home on probation. The difference, he says, is simply in a judge's decision that one youth requires a certain amount of treatment while the other would not benefit from such treatment and is better off on probation.

It is precisely those kinds of sentencing disparaties that have prompted law enforcement groups and legislators to demand harsher treatment of juveniles by the courts. "You just can't have a situation where the offender walks out laughing about the criminal justice system," said state Senator Alan Robbins, a member of the Senate Judiciary Committee. "Murder is not a crime that can be dealt with by having someone spend 90 days in detention."

Stricter sentences?

Ironically, the push to try more juveniles in adult criminal courts may not necessarily result in stricter sentences. Juveniles handed over to the CYA do not fall under the state's determinate sentencing law that now mandates fixed prison terms for adult felons. With the CYA's ability to confine

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youths up to the age of 23 (25 in some cases), juveniles may actually get longer terms after their cases are heard before juvenile court judges than if they are tried and convicted as adults.

"It's an irony that there are cases where a DA seeks to send a kid to adult court for trial and a juvenile court judge actually keeps the kid, because that at least affords the judge the opportunity to swiftly send the kid to the CYA," says Kenneth Clayman, chief of the juvenile services division for the Los Angeles County public defender's office. "The suspicion would be having that kid go to adult court on a first adult offense and had the case plea-bargained to a probationary period and time (one year maximum) in the county jail. The irony is the kid may be kept in juvenile court so he could be treated more harshly," says Clayman.

Still, most judges know that bills like SB 840 are intended to crack down on juvenile offenders. "There was the impression that the courts really hadn't gotten the message," confides one juvenile court judge. But the message from Sacramento is growing louder and louder. In addition to SB 840, juvenile court judges themselves are now obligated to consider other factors, such as a community's protection from crime, when deciding what to do with youthful offenders. Another recent change in the law allows judges to incarcerate (for up to 15 days) juveniles who violate their probation conditions.

There are others involved in the criminal justice system who view more cynically the demise of rehabilitation efforts and the growing emphasis on punishment. "What is there about the adult criminal system that is so successful in combatting crime?" defense attorney Clayman wonders. "If you throw in the towel on a kid, you might as well recognize that you're breeding a lifelong criminal." Jon Chambers, a colleague of Clayman's in the LA public defender's office, says the issue has political and economic implications as well as philosophical ones. It is politically expedient to toughen the laws against juveniles. Also, rehabilitation programs cost money. "And right now," Chambers says, "the public mood is not to spend money for any purpose, let alone spend money on someone who has committed a crime."

But a rehabilitation program that costs, say, $500 for each youth is less expensive than the $18,000 it costs to house someone in a state prison each year. Further calculating the other costs of crimes — including property damage and court time — successful rehabilitation programs can save taxpayers millions of dollars each year.

The only problems are finding rehabilitation programs that work and then convincing legislators and the public of their value. Senator Robbins last year introduced a bill (SB 133) to duplicate in California the well-known "Scared Straight" prison visitation programs at Rahway State Prison in New Jersey. Inmates at San Quentin Prison, meanwhile, have been conducting a counseling program for years which is considered by some to be more successful than the New Jersey "confrontation" approach. But critics of SB 133 say that mass visits to prisons might dilute the impact of such a program.

Adversary proceedings

The courts have been gradually changing the way they handle juveniles. They are using more of the traditional adversary proceedings that have earmarked adult, but not juvenile, criminal cases. Ever since the U.S. Supreme Court's landmark *In re Gault* decision in 1967, which granted juveniles the right to counsel and other due-process guarantees, criminal proceedings involving minors have shifted away from their earlier, more informal setting to court environments which focus more attention on questions of guilt or innocence. Most defense attorneys applaud that shift, saying it gives minors the same basic constitutional rights enjoyed by adults. But others, while conceding the importance of those rights, say there is something lost for the youths involved in a more adversary system.

Such a system "focuses the attention of the court (away) from the interests and needs of the young person to whether the young person actually is in violation of a law or not," says Laurence Rubin, executive director of Project Heavy West, a social service agency in Southern California. Rubin would prefer a system that sends to adult courts juveniles charged with serious crimes and leaves others to get rehabilitative treatment. "We don't even want to deal with real serious offenders," says Rubin, whose agency helps train juveniles and find jobs for them. "A lot of these kids have to be removed from the community, sent away and locked up. Some will never make it."

Before the *Gault* decision, juveniles were often the victims of "railroad jobs" in the courts, say many defense attorneys. "I'm enthusiastic about the adversary system because one thing it does allow is for a kid to be treated as fairly as an adult in a similar situation," says Clayman. "If we really want to rehabilitate, that should be the goal. We have a much better chance if we treat that kid fairly." In fact, Clayman has joined others around the state in supporting legislation that would allow jury trials in juvenile criminal cases. This would be yet another extension of a right accorded adult defendants.

Other court decisions are helping to close procedural gaps between adult and juvenile courts. In December, the state Supreme Court handed down a widely expected decision *(In re Perrone C.)* which said that juvenile court commissioners, rather than judges, could preside over juvenile cases only if both sides agreed. Prior to the decision, a large number of juvenile cases were heard by court-appointed commissioners who, in larger counties, outnumber juvenile court judges. Some experts say the ruling goes a long way toward removing the juvenile courts' stigma as the "stepchild" of the judicial system. They expect the decision to lead to more judges being assigned to juvenile courts, thus reducing the reliance on nonjudicial personnel. The addition of more judges may lead to a greater independence among those who dispense justice to juveniles. Commissioners are hired and fired by judges, and some commissioners are reluctant to act boldly for fear of creating problems with their judicial bosses.

Yet the *Perrone* decision might add to get-tough-on-juvenile-crime attitudes. Commissioners are not elected by voters and, therefore, are somewhat immune from voter pressure to toughen up on young offenders. Judges assigned to juvenile courts could find themselves the targets of law-and-order groups, prosecutors and other judicial critics if they are thought to be soft on crime.

Surviving differences

Despite the new legislation and the growing belief that juveniles should be treated like adults when accused of crimes, there are some differences that probably will survive. Few, if any, would support death penalty sentences for juveniles who commit capital crimes. And few judges relish the idea of sentencing a 16-year-old to a state prison.

There are still some observers who believe that most juvenile offenders can be aided by treatment and rehabilitation. Exposing these youths to the adult criminal justice system, they say, only encourages more criminal activity because of the ineffective way the adult system in California operates. A number of social workers believe that judges who deal with juveniles should get training in psychology and other fields used in treatment programs. "They're making decisions about these kids' lives," says Project Heavy West's Rubin, "and they really have very little information about what makes a young person tick."

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A season to be generous

This is giveaway season in the state Legislature. Almost every day, some lawmaker is proposing a plan to refund surplus revenues to the taxpayers. Among those that have risen to the surface:

- A plan by Assemblyman Tom Bates of Oakland to reduce the sales tax on October 1st of each year if the state surplus grows beyond a specified limit.
- A complex proposal by Assemblyman Larry Kapiloff of San Diego to distribute part of the surplus on a per capita basis (estimated at between $53 and $65 in the first year). Income-tax deductions would also be given for contributions to the federal Social Security system.

Enactment of one or more of the refund bills would serve at least three purposes: The publicity about the legislative action served as campaign material against Proposition 9. Legislators would reap direct benefits if the benefits were distributed within a few weeks of an election, as in the case of the Bates bill. And any of the bills would serve to implement last year's Proposition 4 (Paul Gann's spending-limitation measure) that requires return of excessive government surpluses to the taxpayers. The refund measures carried language making the bills inoperative if Proposition 9 were approved.

The Legislature also appeared ready to approve legislation allowing establishment of a system of variable-rate mortgages in the state. The bills, authored by Senator John Foran of San Francisco and Assemblyman Alister McAlister of San Jose, would allow lenders to raise interest rates by up to 5 percent over a number of years if the cost of money increases substantially in the marketplace. The legislation was sponsored by savings and loan associations.

Supporters of the controversial Peripheral Canal around the Sacramento-San Joaquin Delta were pushing a constitutional amendment for the November ballot designed to allay the fears of northern environmentalists. Among other things, the proposed ballot proposition would place delta water-quality guarantees inthe state constitution.

Senate (23D, 16R)	SB 1478 AB 1232 SB 1368 SB 1893	SB 1464 SB 1505 SB 1412 SB 1426		SB 1478 AB 1232 SB 1368 SB 1893	SB 1464 SB 1505 SB 1412 SB 1426
Alquist (D)	NYYY	NYYY	Montoya (D)	YY*Y	NYYY
Ayala (D)	YYY*	N*Y*	Nejedly (R)	YYY*	**YY
Beverly (R)	YYNY	YNNY	Nielsen (R)	*YN*	***Y
Briggs (R)	NYYY	YNN*	Nimmo (R)	NYYN	YNYN
Campbell (R)	NYY*	YNNY	Petris (D)	*YYY	NYYY
Carpenter (D)	YYNY	YYNY	Presley (D)	YYYN	NNYY
Craven (R)	NYYN	YY*Y	Rains (D)	YYNY	NNNY
Cusanovich (R)	****	YNNY	Richardson (R)	N*NN	YNN*
Dills (D)	YYNY	N*Y*	Robbins (D)	YY*Y	*YNY
Foran (D)	NNNN	*YY*	Roberti (D)	YYYY	NYYY
Garamendi (D)	YYNY	*NYY	Rodda (D)	YYY*	YYYY
Garcia; A. (D)	Y**Y	NNYY	Russell (R)	NYN*	YYNN
Garcia, M. (R)	NYN*	YYNN	Schmitz (R)	N**N	YN**
Greene (D)	YYY*	**YY	Sieroty (D)	Y*YY	*YYY
			Speraw (R)	NYNY	YYYY
Holmdahl (D)	YYYY	NYNN			
Johnson (R)	NYN*	YYYY	Stiern (D)	YYYY	NYYY
Keene (D)	YNNY	NY*Y	Vuich (D)	YYYY	*YNY
Maddy (R)	***N	YYNY	Watson (D)	YNYY	NYYY
Marks (R)	YYNY	YYYY	Wilson (D)	YYNY	YNNY
Mills (D)	YNN*	YYYY			

VOTING RECORDS

Listed here are the votes of legislators on recent major roll calls through mid-May. Votes selected involve issues of major importance and issues on which there was a major division of opinion, or both.

Y – Yes **N – No**
***— Absent or not voting**

A 2/3 vote is required for urgency measures, constitutional amendments, and appropriations.

Assembly: 41 votes required for passage of bills needing a simple majority. (2/3 = 54 votes)

Senate: 21 votes required for passage of bills needing a simple majority. (2/3 = 27 votes)

Senate

BUSINESS AND CONSUMER AFFAIRS

SB 1478 (Watson) — Prohibits discrimination based on race, color, religion, sex or national ancestry in the granting of dealerships. Passed, 23 - 12.

AB 1232 (Young) — Delays implementation of deregulation of trucking rates. Conference committee report adopted, 29 - 4.

HEALTH

SB 1368 (Greene) — Prohibits Board of Medical Quality from issuing physician's license to an osteopath. Failed, 17 - 16 (21 votes required).

SB 1893 (Roberti) — Requires doctors to inform patients of alternatives to mastectomies. Passed, 22 - 6.

TAXATION

SB 1464 (Campbell) — Implements Proposition 9 on June ballot so that first-year impact is reduced by about $1.5 billion. Defeated, 18 - 13.

SB 1505 (Foran) — Authorizes counties to impose gasoline tax of three cents a gallon with voter approval. Passed, 22 - 12.

MISCELLANEOUS

SB 1412 (Foran) — Requires Legislature to conduct public hearings on proposed ballot initiatives. Passed, 21 - 14.

SB 1426 (Rodda) — Allocates portion of the state's tideland oil revenues for the support of public schools, alternative energy systems and renewable-resources programs unless Proposition 9 is enacted. Passed, 29 - 4.

Assembly

BUSINESS AND CONSUMER AFFAIRS

AB 1232 (Young) — Delays implementation of deregulation of trucking rates. Conference report adopted, 63 - 6.

AB 2067 (Gage) — Requires gas stations to post visible signs indicating the price, brand name and grade of gasoline sold. Passed, 61 - 10.

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CRIMINAL JUSTICE

AB 2562 (Kapiloff) — Increases penalties for writing bad checks, using stolen credit cards and theft. Passed, 60 - 13.

AB 3320 (Harris) — Repeals mandatory 90-day jail term for certain drug convictions. Defeated, 11 - 63.

HOUSING

AB 2250 (Hughes) — Authorizes state sale of $1.5 billion in revenue bonds to finance housing programs. Passed, 58 - 14.

AB 2804 (Costa) — Prohibits local governments from establishing different requirements for state-assisted housing projects than for non-assisted units. Passed, 43 - 26.

MISCELLANEOUS

AB 1976 (Deddeh) — Appropriates $27 million to pay interest to state employees on 1979 salary increases delayed by court challenge. Passed, 68 - 4.

AB 2112 (Cline) — Permits the printing and sale of lottery tickets in California for legal lotteries conducted by other states and nations. Passed, 59 - 10.

ACA 60 (Boatwright) — Proposed constitutional amendment allowing the Legislature to invalidate proposed state-agency regulations. Similar to ACA 16 (McAlister). Passed, 56 - 20.

ACA 71 (Felando) — Proposed constitutional amendment to increase terms of Assembly members from two to four years. Passed, 55 - 16.

Assembly (50D, 30R)	AB 1232	AB 2067	AB 2562	AB 3320	AB 2250	AB 2804	AB 1976	AB 2112	ACA 60	ACA 71
Agnos (D)	Y	Y	Y	Y	Y	Y	Y	Y	N	Y
Alatorre (D)	Y	*	*	*	Y	*	Y	*	N	*
Bane (D)	Y	Y	*	N	Y	Y	Y	Y	*	
Bannai (R)	Y	Y	Y	N	N	N	Y	Y	Y	Y
Bates (D)	Y	Y	Y	N	Y	Y	Y	N	Y	Y
Bergeson (R)	Y	Y	Y	N	N	N	Y	N	Y	Y
Berman (D)	*	Y	Y	Y	Y	Y	Y	N	Y	Y
Boatwright (D)	Y	N	Y	N	Y	Y	Y	Y	Y	Y
Bosco (D)	Y	Y	Y	N	Y	Y	Y	Y	Y	Y
Brown, D. (R)	N	*	N	N	N	N	Y	Y	N	
Brown, W. (D)	Y	Y	Y	*	Y	*	Y	*	Y	
Calvo (D)	*	Y	Y	N	Y	Y	N	N	Y	Y
Chacon (D)	Y	Y	Y	N	*	Y	Y	*	Y	
Chappie (R)	Y	Y	*	N	N	*	Y	Y	N	
Cline (R)	Y	*	N	N	*	N	*	Y	Y	Y
Costa (D)	*	Y	Y	N	*	Y	*	*	Y	Y
Deddeh (D)	Y	Y	Y	N	Y	Y	Y	N	Y	N
Duffy (R)	Y	Y	Y	N	Y	*	Y	N	N	Y
Egeland (D)	*	*	Y	N	Y	Y	Y	N	Y	Y
Elder (D)	Y	Y	Y	N	Y	Y	Y	Y	Y	Y
Ellis (R)	Y	N	N	N	*	N	*	N	Y	N
Felando (R)	Y	Y	N	N	Y	N	Y	Y	Y	Y
Fenton (D)	*	Y	Y	N	Y	Y	Y	Y	Y	Y
Filante (R)	Y	N	*	N	Y	N	Y	Y	Y	Y
Frazee (R)	Y	N	N	N	N	N	Y	Y	Y	Y
Gage (D)	N	Y	Y	Y	Y	*	Y	N	Y	Y
Goggin (D)	Y	*	Y	N	*	*	*	Y	*	Y
Greene (D)	Y	Y	Y	N	Y	Y	Y	Y	*	
Hallett (R)	Y	Y	N	N	N	Y	Y	Y	Y	Y
Hannigan (D)	Y	Y	Y	N	Y	Y	Y	Y	N	
Harris (D)	N	Y	Y	Y	Y	Y	Y	N	Y	Y
Hart (D)	*	Y	Y	N	Y	Y	Y	N	N	*
Hayden (R)	Y	Y	Y	N	N	Y	N	Y	Y	Y
Hayes (R)	Y	Y	Y	N	N	*	Y	Y	Y	Y
Hughes (D)	Y	Y	Y	N	*	Y	Y	N	Y	Y
Imbrecht (R)	Y	Y	N	N	Y	Y	Y	Y	Y	Y
Ingalls (D)	Y	Y	Y	N	N	Y	Y	N	Y	Y
Ivers (R)	N	N	N	N	N	N	Y	Y	N	Y
Johnson (R)	Y	Y	N	N	Y	N	Y	Y	Y	Y
Kapiloff (D)	Y	Y	Y	N	Y	Y	N	Y	Y	Y
Kelley (R)	Y	Y	Y	N	Y	N	N	Y	Y	N
Knox (D)	Y	Y	Y	Y	Y	Y	Y	Y	N	Y
Lancaster (R)	Y	Y	N	N	N	N	Y	N	Y	Y
Lehman (D)	Y	Y	N	Y	*	Y	Y	Y	N	Y
Leonard (R)	Y	Y	N	N	N	N	Y	Y	Y	N
Levine (D)	N	*	*	*	Y	Y	Y	Y	N	*
Lockyer (D)	Y	Y	Y	N	Y	Y	Y	Y	Y	Y
Mangers (D)	Y	Y	Y	N	Y	*	Y	Y	Y	Y
McAlister (D)	Y	Y	Y	N	Y	Y	N	Y	Y	Y
McCarthy (D)	Y	Y	Y	Y	Y	Y	*	N	*	
McVittie (D)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Mello (D)	Y	Y	Y	N	Y	*	Y	Y	Y	Y
Moore (D)	Y	Y	Y	N	Y	Y	Y	*	Y	
Moorhead (R)	Y	Y	Y	N	Y	N	Y	Y	Y	Y
Mori (D)	*	Y	Y	N	*	Y	*	N	Y	Y
Mountjoy (R)	Y	Y	N	N	N	N	N	Y	Y	Y
Naylor (R)	Y	Y	Y	N	Y	N	N	Y	Y	Y
Nestande (R)	*	*	*	*	Y	*	Y	Y	Y	N
Nolan (R)	Y	Y	N	N	N	N	Y	Y	Y	N
Papan (D)	Y	N	Y	N	Y	Y	Y	Y	Y	N
Perino (D)	Y	Y	Y	N	*	Y	*	N	Y	Y
Priolo (R)	*	N	Y	*	Y	*	Y	Y	*	Y
Robinson (D)	Y	Y	Y	N	Y	Y	Y	Y	*	
Rogers (R)	Y	*	Y	N	N	N	Y	*	Y	Y
Roos (D)	Y	Y	Y	Y	Y	Y	*	Y	*	Y
Rosenthal (D)	N	Y	Y	Y	Y	Y	Y	N	Y	Y
Ryan (R)	Y	Y	Y	N	Y	N	Y	Y	Y	Y
Statham (R)	Y	Y	Y	N	Y	N	Y	Y	Y	Y
Stirling (R)	Y	N	Y	N	N	N	Y	Y	Y	Y
Tanner (D)	Y	*	*	*	Y	*	Y	Y	*	
Thurman (D)	Y	Y	Y	N	Y	Y	Y	Y	Y	N
Torres (D)	Y	Y	Y	N	Y	Y	Y	Y	N	*
Tucker (D)	*	Y	Y	N	Y	Y	Y	Y	Y	Y
Vasconcellos (D)	Y	Y	*	Y	*	Y	Y	*	N	N
Vicencia (D)	Y	Y	Y	N	Y	Y	Y	*	N	Y
Waters, M. (D)	*	Y	Y	Y	Y	*	Y	Y	N	Y
Waters, N. (D)	Y	N	Y	N	Y	Y	Y	Y	Y	Y
Wray (D)	Y	Y	Y	N	Y	Y	*	Y	*	Y
Wyman (R)	Y	N	N	N	N	N	Y	Y	Y	N
Young (D)	Y	Y	Y	N	Y	Y	*	Y	*	

ROSTRUM

Housing squeeze

Your article on the housing situation in California (*CJ*, April 1980) was interesting and informative but there was one glaring error that needs correction. I was quoted as saying, "The difference is that every $1,000 added to the price of housing squeezes 1,000 people out of the market." What I actually said was, "According to a CBIA study, from the lowest-priced home in California, every $1,000 added to the price of housing squeezes 100,000 people out of the market."

ROBERT H. RIVINIUS
Executive Vice President
California Building Industry Association

Voice of the retiree

As a retired civil service employee (34 years), I take exception to Mr. West's conclusions in "Strictly Opinion" (*CJ*, March 1980). It is true that the Legislature and the governor have been most benevolent with regard to their own pensions (and the judiciary's). This is not true for the state civil service employees, active and retired. The budgetary axe (nothing as delicate as a scalpel) is invariably applied to state employees' salaries and to their pension checks.

There is a statutory ceiling of 2 percent on annual increases in pension benefits, with no increase at all year after year. The initial pension remains static despite inflation.

Mr. West appears to conclude that state retirees are living it up on the taxpayers and realizing more money than when they were slaving for the state of California. This assumption is based on his comparison of a working person's net income with the retiree's gross income. Why? The retired state employee's pension check, after exhausting his/her contributions to the state system (this is paid out first, taxes already having been paid on it) is subject to federal and state income taxes.

Mr. West proposed that Social Security payments to retirees be deducted from the total pension received from the state system (PERS). Apparently Mr. West is not aware that PERS takes the amount of Social Security benefits into consideration.

ELIZABETH PALMER (PICKLE)
Chief Assistant Attorney General (Ret)

P.S. I earned every cent I receive now and so did Evelle Younger.

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CHARTING THE LEGISLATURE

The following is a list of significant bills pending before the Legislature in mid-May.

SUBJECT	BILLS	DESCRIPTION	STATUS
CRIMINAL JUSTICE	SB 1314 (Roberti)	Repeals the defenses of diminished capacity and voluntary intoxication and the plea of not guilty by reason of insanity in criminal cases.	*Assembly Criminal Justice Committee.*
	SB 1877 (Presley)	Increases penalties for spousal and child beating and revises various provisions of the Determinate Sentencing Act of 1976.	*Assembly Criminal Justice Committee.*
	SB 133 (Robbins)	Authorizes juveniles in the custody of the California Youth Authority to visit adult prisons.	*Assembly Criminal Justice Committee.*
EDUCATION	AB 2400 (Mangers) AB 812 (Chacon)	Both measures would substantively revise the state bilingual education program.	*AB 2400 was defeated by the Assembly Ways and Means Committee and AB 812 is pending in the Senate Education Committee.*
	AB 3369 (Hart)	Revises proficiency standards in math, reading and English required for the awarding of a high school diploma.	*Assembly Education Committee.*
EMPLOYMENT	SB 1842 (Greene)	Allows public employers and employee organizations to negotiate agency shop agreements.	*Senate Finance Committee.*
GOVERNMENT SPENDING	SB 1695 (Holmdahl)	Limits all state-mandated local government programs to six years unless extended by the Legislature.	*Assembly Revenue and Taxation Committee.*
HEALTH	SB 1480 (Campbell)	Legalizes the use of laetrile and amygdalin for the treatment of cancer.	*Assembly Health Committee.*
	SB 1814 (Schmitz)	Requires unmarried minor to obtain the consent of her parent or guardian or a court order prior to undergoing an abortion.	*On Senate floor.*
JUDGES	SCA 35 (Russell)	Constitutional amendment requiring Senate confirmation of the governor's appointments to appellate and lower courts, limiting the governor's power to fill judicial vacancies, and reducing the terms of appellate justices.	*Senate Finance Committee.*
	SCA 37 (Garamendi)	Constitutional amendment requiring all judicial appointments made by the governor to be confirmed by the Senate.	*On Senate floor.*
MINORS	AB 2442 (Levine)	Prohibits the sale to minors of devices used to ingest illegal drugs or to smoke marijuana.	*Senate Judiciary Committee.*
	AB 1374 (Felando)	Opens juvenile court hearings to the public and permits public access to certain juvenile records.	*On Senate floor.*
MORTGAGE RATES	AB 3142 (McAlister)	Allows savings and loan associations and banks to set new interest rates for home mortgages every 3 to 5 years.	*Senate Insurance and Financial Institutions Committee.*
TAXATION	SCA 46 (Speraw)	Constitutional amendment which amends Proposition 13 to prohibit the reassessment of residential property upon a change of ownership.	*On Senate floor.*
	AB 525 (Hughes)	Eliminates unitary method of taxation for most foreign businesses operating in California.	*Senate Finance Committee.*
	AB 2596 (Bates)	Temporarily reduces sales tax from 6¢ to 5¢ if state government accumulates a surplus in any fiscal year which exceeds 5 percent of the budget.	*Senate Revenue and Taxation Committee.*
	SB 1514 (Foran) AB 2001 (Bergeson)	Provides for the permanent indexing of state income tax rates.	*SB 1514 is in the Assembly Revenue and Taxation Committee. AB 2001 is pending in the Senate Revenue and Taxation Committee.*
	ACA 91 (Vasconcellos)	Constitutional amendment requiring a reduction in the state sales tax rate according to a specified formula whenever there is a surplus in revenues.	*Assembly Revenue and Taxation Committee.*
WELFARE	ACA 75 (Lockyer)	Constitutional amendment requiring all persons receiving public assistance to be gainfully employed to the extent that they are capable and that work is available.	*Assembly Constitutional Amendments Committee.*

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By Leo Rennert

The junior senator

Sam Hayakawa's honeymoon with the California electorate is over. Polls show his constituents think he's doing a poor job. Many voters now are more outraged than amused by his tendency to toss off barbed remarks on sensitive topics. There's no evidence that he has built a political base in California or that he's having much of an impact in the Senate. Some Republicans are ready to challenge him in 1982. His staff is growing nervous.

ON CAPITOL HILL, the 73-year-old "junior" senator from California remains serene in the face of these storm signals. He's having too much fun to worry about political repercussions down the road. Occasionally, he takes time out to mend fences with an offended group. But he soon reverts to type and continues on his merry way, taking great delight in shattering political conventions. Unlike his senior colleague, Democrat Alan Cranston, Hayakawa doesn't know the meaning of caution or compromise. He's too old and too set in his ways to conform to political norms. His colleagues regard him with tolerant affection as he floats through politics with blissful insouciance.

"I don't give a damn," he says when asked about his low performance ratings in California voter surveys. Looking at the California electorate, he's still the teacher tangling with obstreperous students. "Being an educator all my life, I'm accustomed to dealing with those who are unenlightened," he shrugs.

His turbulent tenure as president of San Francisco State University remains the key to many of his basic policy positions. He recently told the GOP Platform Committee that the nation is run by a "knowledge elite" which stifles business expansion and economic growth. He wants to cut off food stamps to college students and get idle youngsters into the labor market by permitting employers to hire them at substandard wages. There are even echoes of his battles with radical students and faculty members in his foreign-policy views. One reason for his vocal opposition to radical regimes in Africa is that they're often led by smooth-talking Oxford graduates. An intellectual himself, Hayakawa has developed a strong anti-academic bias that fuels his attacks on liberal institutions and programs. "I became a Ph.D. and it takes years to recover from it," he declares.

There's a tendency, particularly among the media, to dismiss him as an exotic kook who's good for a quick headline when he uncorks a scandalous remark. That's unfortunate because there's much more to the man. He's a serious student of African culture and political development. He has brought an informed judgment about the Third World to the Foreign Relations Committee. While he's a certified hawk, he also has shown a strong independent streak. He has parted company with many conservatives by supporting foreign aid and the Panama Canal treaties. He's an internationalist first and quite outspoken about grievous mistakes in U.S. dealings with other nations, particularly in this hemisphere.

On the domestic side, Hayakawa also has put some interesting dents in a generally conservative line. He's an unabashed supporter of federal funding for abortions to the dismay of many right-wing groups. He offended business interests by supporting creation of a national bank to extend loans to consumer cooperatives. As an enthusiastic champion of the co-op movement since the 1930s, Hayakawa likes to recall that the Berkeley Consumer Co-op was the first California business firm to hire a significant number of Japanese-Americans upon their release from relocation camps after World War II.

Still, his overall voting record tends to get eclipsed by his non-stop delivery of iconoclastic remarks. He offended many Japanese-Americans by suggesting that the wartime relocation program had a positive benefit because it ended a period of ethnic isolation and forced the younger generation into the American mainstream. Nor did he help himself with this constituency when he recommended during the hostage crisis that Iranian nationals and diplomats in this country be rounded up "the way we did the Japanese in World War II." At a subsequent press conference, when asked whether such action might not have threatened the lives of American hostages, his first comment was that the U.S. also could "shoot" Iranians here. Even though he quickly qualified this statement, his staff was so shaken that it struck the remark from the transcript.

During last year's gasoline crunch, Hayakawa triggered a furious backlash when he blithely remarked that "a lot of the poor don't need gas because they're not working." On another occasion, in opposing health-warning labels on liquor bottles, he told the Senate: "Our Lord at the wedding feast at Cana changed water into wine; there is no record of His having issued any warnings against its abuse on that occasion. If Jesus found such warnings unnecessary, that's good enough for me."

Hayakawa may shrug off the furor created by his popping-off propensity, but he's clearly nettled by recurring reports that he tends to fall asleep at White House briefings and other important meetings. When Senator Kennedy quipped that his desk on the Senate floor is next to Hayakawa's sleeping bag, Hayakawa was irritated enough to fire off a letter of protest against use of personal wisecracks against a fellow senator. Then, twisting in his own little dagger, Hayakawa told Kennedy that he had to veto a suggestion by his staff to send the following reply: "We Japanese have been sleeping on the floor for thousands of years. Senator Kennedy should try it. I understand he does some of his best work in bed."

TO SMOOTH HIS PATH for a second term in 1982, Hayakawa jumped early on Ronald Reagan's bandwagon. Looking at possible Democratic opponents, he thinks it would be "just funny as hell" to be beaten by Tom Hayden. But he doesn't expect to be. "Hayden has just bought a Brooks Brothers jacket," says Hayakawa. "I don't think intellectually he's made any progress." Governor Brown, he adds, would be a tougher adversary because "intellectually he's far more agile and resourceful." But 1982 is still far off. And Hayakawa is too much the happy fatalist to lose much sleep over problems that make other politicians shudder.

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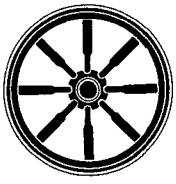

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